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The Solicitors' Journal

VOL. LXXVIII. **Saturday, July 14, 1934.** No. 28

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Current Topics.

Law Revision.

EVER since its inclusion in HAMLET'S catalogue of the many ills that flesh is heir to, the "law's delay" has been a jibe thrown at members of the legal profession. It is true there have been times when the accusation has been justified, when procedure was complicated and everything that served to protract trials was available to the litigant who desired to put off the evil day, but in these days, with every effort being made to speed up the working of the legal machinery, the jibe has lost some, at all events, of its point. Not only has there been manifest a new spirit working for removing obstacles to the prompt determination of disputes, there has been equally manifest a strong desire to bring the principles of the law more into harmony with justice and fair dealing between man and man. All welcomed the recent appointment by the Lord Chancellor of the Law Revision Committee, of which the Master of the Rolls is chairman, to reconsider in the light of modern knowledge some of those doctrines which have become anachronistic and out of harmony with views now generally prevailing. Like the Business of the Courts Committee, which was also presided over by the Master of the Rolls, this committee deserves the thanks of the public for the remarkable expedition shown in arriving at and submitting their recommendations, the latest of which is the modification of the rule that between joint-feasors there is as a rule no contribution and no indemnity. It is true some exceptions have been grafted upon the operation of the rule, but the doctrine continues in large measure unimpaired, and although it has often been declared to be inequitable, it has, like so many doctrines that have come down to us from the past, shown a deplorable vitality. The recommendations now made, if adopted, and it is to be hoped they will be, will remove most of the objectionable features of the present law on the subject. A judgment recovered against one or more persons in respect of an actionable wrong is not, while unsatisfied, to be a bar to an action against any others liable jointly in respect of the same wrong. Further, a right of contribution is given where at present it is withheld. No doubt legislation will be required to give effect to this reform, but in view of the general desire to bring the law more into line with fair dealing there should be no serious obstacle to the recommendations receiving legislative approval at an early date. A short article dealing with the report will appear next week.

Legal Work of Government Departments.

AMONG the questions considered by the Estimates Committee appointed annually by the House of Commons to watch public expenditure was that of centralising the legal work of Government Departments. Under existing practice the Treasury Solicitor acts not only for the Treasury, but also for the Defence Services, the Stationery Office, the Office of Works and all the smaller departments. He also conducts litigation for the Home, Foreign and Colonial Offices and for the Board of Education, though these departments all have their own legal advisory staffs. On the other hand, the Inland Revenue, Customs, Ministry of Health, Ministry of Labour, Ministry of Agriculture, Post Office and Board of Trade have all independent legal staffs. This year the Committee, under the chairmanship of Sir VIVIAN HENDERSON, suggests in a report just issued that if it were proposed to set up a new machinery of government a centralised system for all legal work would probably be most economical. The Committee is not, however, convinced that the advantages to be gained are so great as to warrant a change in the existing system. It is of the greatest importance, the Committee declares, that a legal staff should be on the spot and in close touch with the administrative work that is going on, but it is suggested that there ought to be more opportunity of transfer of staff from one department to another to meet temporary pressure of work. Those familiar with the legal work of Government Departments will probably endorse the Committee's views against a change towards centralisation; the familiarity, from long practice, of a staff with the work in its own department being one of the great assets of the present system.

A Silicosis Appeal.

AN interesting question concerning the right to contribution between employers under the Various Industries (Silicosis) Scheme, 1928, was discussed in the House of Lords on 21st June, in *M'Gillivray* v. *Hope and Another* (78 SOL. J. 503). Paragraph 9 of that Scheme provided that compensation should be claimed and recoverable from the employer who last employed the workman in the processes, "but any other employer who employed the workman in the processes . . . shall . . . be liable to make to the employer from whom compensation is recoverable such contribution as, in default of agreement, may be determined by arbitration under this Scheme." In the course of his judgment Lord TOMLIN said that he had no doubt, on the true construction of the paragraph, that the last employer was the only person who was under liability to the workman for the compensation, and the provision whereby the last employer was able to recover something in respect of the compensation from previous employers was for the benefit and protection of the last employer, and not for the benefit of the workman. The workman had been awarded on 11th March, 1931, weekly payments of compensation at the rate of £1 10s. as from 21st September, 1929, in respect of total disablement by the industrial disease of silicosis. The compensation was awarded against G., the last employer, who on 28th March, 1930, had been authorised to serve a claim for contribution under para. 9 of the Scheme on

H. and B., who had been employers of the workman in the processes specified in the Scheme within a period of five years preceding the date of the disablement. G. was not insured against his liability to pay workmen's compensation, and failed to pay any of the weekly payments. On 7th August, 1931, G. was declared bankrupt and the present appellant appointed trustee. There was a claim against the sequestrated estate in respect of compensation amounting to £147 5s. for arrears of weekly payments down to the date of sequestration, and for £679 16s. 4d. for the amount of the lump sum for which at the date of the sequestration the weekly payment would, if redeemable, be redeemed if an application were made. The appellant claimed contribution against H. and B. according to the respective periods for which the workman had been employed by them between 1st February, 1929, when the Scheme came into operation, and 14th September, 1929. The arbitrator decided against the appellant as did also the Second Division of the Court of Session in Scotland (consisting of seven judges). "Under English law," said Lord TOMLIN, in his judgment in the House of Lords, "where one who was liable to pay a sum of money to another was entitled against a third party to be indemnified in whole or in part against what he had so to pay, he could not recover on the indemnity against that third party where he himself had made no payment in respect of his own liability" (*Collinge* v. *Harwood*, 9 A. & E. 633). No suggestion had been made that Scots law differed on that point. No contribution could be claimed, as no payment had as yet been made by the bankrupt or out of his estates, although if payment should subsequently be made the question of the right to contribution might arise. The appeal was therefore dismissed with costs.

Nominee's Right to Beneficial Ownership.

THE effect of taking a conveyance in the name of the purchaser's son was recently considered in the Liverpool Chancery Court in *In re Moorcroft, deceased*. The plaintiff, a son of the deceased, claimed a declaration that he was entitled as donee, viz., for his own use and benefit, to a house and shop, which were claimed by the defendants, the executors, as part of the estate. The evidence was that (1) the deceased had been a retail greengrocer, but had sold his business in 1932 (shortly before his death) and his estate was proved at £23,000; (2) the deceased had employed the plaintiff from 1900 until 1915, and then from 1919 to 1920, when the plaintiff was bound over for stealing his father's rents; (3) nevertheless the deceased bought the house and shop (in 1920) for £1,150 and took the conveyance in the name of the plaintiff; (4) in 1922 the plaintiff (while employed by another firm) was sentenced to two months' imprisonment for falsification of accounts, after which he and his wife managed a hotel until 1927; (5) in 1928 the deceased had put £2,000 into the names of children of the plaintiff. The plaintiff's case was that, having made good (since 1922) he was reconciled to the deceased in 1928. The defence was that (*a*) the house and shop were only to belong to the plaintiff, if he behaved himself; (*b*) the plaintiff and the deceased were never friendly, after 1920, and the will made no mention of the plaintiff; (*c*) the latter had forfeited the house and shop by misconduct. The Vice-Chancellor (Sir COURTHOPE WILSON, K.C.) gave judgment for the plaintiff, with costs, subject to a stay of execution.

Advertisements of Hire-purchase Benefits.

AN alluring advertisement is merely an invitation to do business, and cannot over-ride the terms of an express agreement. This was recently illustrated in *Williams* v. *Smart Brothers* at Birmingham County Court, in which the plaintiff claimed possession of certain furniture, as the executor and next-of-kin of AMY RANGE deceased. The latter had left a will, to which was attached a letter stating as follows: "There is my furniture, which if not all paid for, becomes the property of the executor." The case for the plaintiff (the brother of the deceased) was that (1) the defendants had advertised that, in the event of a purchaser dying before all the instalments had been paid (under their hire-purchase agreements) the furniture would become the property of the next-of-kin, and future instalments would be cancelled; (2) the deceased had relied upon these representations, and the plaintiff therefore considered that he now owned the furniture, but the defendants had nevertheless re-taken possession of it; (3) the right of removal only arose if the hirer allowed the furniture to go out of her possession or control, but this right lapsed after her death, as the property had then passed. The defendants' case was that (1) the plaintiff could not produce the actual advertisement alleged to have been relied upon by the deceased; (2) in any case she had signed a document stating: "I agree that I benefit under your fire policy only"; (3) the free life policies (under which the defendants received payment for the property passing, on the death of the hirer, to the next-of-kin) were never issued to women, as it was the custom of the defendants to exclude them from the life policy benefits. His Honour Judge RUEGG, K.C., observed that (1) although the advertisement created an impression that all purchasers were entitled to the benefits, the whole of the female sex were nevertheless partially excluded; (2) this was unfair to the public, and his sympathy was with the plaintiff, but the evidence was too strongly the other way. Judgment was therefore given for the defendants, with costs.

Euthanasia.

SIR BUCKSTONE BROWNE, in an address to the Harveian Society, is reported to have expressed the hope that the medical profession should have "the power of sentencing to death those who are not fit to live from disease or crime, and of granting permits to the old and worn out who wish to go to the lethal chamber." The point was also raised whether a congenitally insane or deformed baby should live. The law is, of course, uncompromising on both counts. According to Dr. MEYMOTT TIDY ("Legal Medicine," Vol. I, p. 318): "The law knows no such principle as that involved in the term 'Euthanasia'." The words of Mr. Justice HAWKINS (*R.* v. *Paine*, tried for the murder of Miss MACLEAN, 1880) are on this point explicit: "It is equally criminal to accelerate by one hour the death of a person as to cause it. No degree of monstrosity or unshapeliness sanctions the destruction of life born of woman, either by medical attendant or friend." This law Sir BUCKSTONE BROWNE and many others would change, and the issue whether it should be mitigated in any way furnishes matter for nice debate. Professionally, of course, a doctor's duty goes much beyond the mere refusal of euthanasia; he must keep his suffering cancer and hydrophobia patients, and, it may be, his monstrosities, alive as long as he can. Ultimately, of course, the decision will be one for Parliament. It may nevertheless here be submitted that the admission of the principle of euthanasia would be extremely dangerous. Were it established, at first no doubt it would only be applied by the subject's express desire (or in the case of an abnormal baby, the parents') and perhaps with stringent certificates from the local coroner, the doctor in attendance, and an independent practitioner. But where would it stop? The lunatic suffering from incurable melancholia might presently be deemed to have given a valid consent—then it would be extended to aged people in their second childhood—and so on, until, instead of the celebrated scene at the end of "Martin Chuzzlewit," a new PECKSNIFF, as chairman of the Family Council, would blandly put and declare carried a resolution that old MARTIN would be much more comfortable under the sod, and promise him a handsome monument by way of consolation, after his relatives had taken what they wanted of his possessions. With tremendous safeguards, we pronounce a murderer morally unfit to live. But the last word as to physical fitness has been given to nature and we disregard it at our peril.

The Judicature of the House of Lords.

CLAUSE 1 of the Administration of Justice (Appeals) Bill, at present before Parliament, is framed to give effect to a recommendation of the Business of the Courts Committee, over which Lord Hanworth presided. The Committee recommended that appeals from the Court of Appeal to the House of Lords should in no case be as of right. Referring, of course, to England only, the Report states: "At present, save for some cases in bankruptcy . . . appeals to the House of Lords are as of right. In our opinion restrictions should be imposed upon all appeals from the Court of Appeal to the House of Lords. There should be an appeal only with the leave of the Court of Appeal, or if refused there, of the House of Lords. Probably this latter leave will be applied for to and granted by the Appeal Committee of the House of Lords and any great expense avoided." The clause which makes provision to the effect of the Report does not extend to Scotland or Northern Ireland, where somewhat different conditions apply. Under the Appellate Jurisdiction Act, 1876, the appeal lay, as regards England, from any order or judgment of the Court of Appeal, but, as regards Scotland and Ireland, only from orders or judgments from which an appeal to the Lords lay immediately before the commencement of the Act, i.e., 1st November, 1876. (A power to add to the cases in which Scottish or Irish appeals might go to the Lords was given by s. 12 of the Act, but has not been exercised.) The difference was succinctly stated by Lord Halsbury in *The Earl of Gosford's Case* [1899] A.C. 435: "There can be no doubt that there was not any power to bring up an interlocutory order of a common law court by way of appeal to this House, and that the mode in which that can be done at present is by specific legislation in respect to England. There is no such specific legislation with regard to Ireland, and therefore the law remains as it was." Moreover, Irish (now Northern Ireland) appeals are with leave in certain cases under existing law. Appeals from Scotland and Northern Ireland are relatively few, and no specific recommendations for amendment of the law in relation to them have been made. As regards England that there should be some restriction on appeals is an opinion generally held.

There are no pages in our legal history more fascinating than those which record the evolution of the appellate jurisdiction from the *Curia Regis* to the House of Lords as sitting to-day for judicial business. "The House of Lords, older than the House of Commons, was at first the Great Council in another form, and, like it, had judicial functions which it still retains." The appellate jurisdiction in civil suits, not often heard of in the middle ages, was revived and reorganised in the sixteenth and seventeenth centuries. In equity it has been exercised since the time of Charles I, and the jurisdiction in cases brought up by writ of error was confirmed by 27 Eliz., c. 8. The hearing of equity appeals may have been an assumed jurisdiction; the jurisdiction in error was true to constitutional type, because it derived, like other jurisdictions, from the Crown as the source of justice.

The *personnel* of the House as a judicial body varied in strength with the strength of those peers who were or had been judges, notably the Lord Chancellor and ex-Chancellors. The judges, other than peers, were consulted, but the House was not bound by their opinions. The sittings of the House were the sittings of Parliament, an arrangement which was inappropriate to a large volume of judicial business. In the nineteenth century there were symptoms that all was not well and there were complaints and attempts at reform. In the famous case of *O'Connell* v. *The Queen* (1844), 11 Clark and Finnelly, 421, some lay lords who attempted to take part in the proceedings were "told off," it being pointed out to them, in effect, that, for the maintenance of the appellate jurisdiction, it was essential that lay lords should not take part. In 1856 Sir James Parke, a Baron of the Court of Exchequer, was raised to the Peerage to add to the judicial strength of the Lords. His first patent contained a limitation of the Barony "for the term of his natural life." But—to quote Freeman—"The Lords, in defiance of law, in defiance of history, in defiance of the clear rights of the Crown and of the manifest expediency of the case, had the matchless impudence to refuse to Lord Wensleydale . . . his lawful seat in this House." A patent of peerage drawn up in the usual form was subsequently conferred upon Sir James.

The Judicature Act of 1873 (introduced by Mr. Gladstone and Lord Selborne) included a provision that no error or appeal should be brought to the House of Lords from any judgment or order of the Court of Appeal to be established, as respects England, under that Act. That proposal never became operative, but succumbed to a succession of obstacles. As the provision was confined to England, it would have ended the existence of any appellate jurisdiction for the United Kingdom as a whole. In 1874 it was sought to meet this point by an amending Bill, giving to the same Court of Appeal a jurisdiction in Scottish and Irish appeals. The Bill also attempted to remedy the "lopsidedness" of the project, by creating within the court a Second Division for English Appeals, so that all appeals—whether from England, Scotland or Ireland—should have been heard by an intermediate court of appeal before reaching the First Division of the new court for final hearing. It soon became clear, however, that judicial and professional opinion in the three countries preferred the retention of the House of Lords, if adequate reforms could be devised. Such reforms were subsequently put forward by Mr. Disraeli and Lord Cairns and became law in the Appellate Jurisdiction Act, 1876, which contains the essentials of the system as it exists to-day.

Under the Act of 1876, the appeal (whether from England, Scotland or Ireland) must be brought by way of petition, praying that the matter of the order or judgment appealed against may be reviewed before "His Majesty the King in His Court of Parliament." An appeal is not to be heard and determined unless there be present not less than three "Lords of Appeal," that is to say, three of the following: the Lord Chancellor, the lords of appeal in ordinary, and such peers as have held high judicial office in England, Scotland or Ireland. The lords of appeal in ordinary are, of course, the "life peers" (now seven in number), appointed by the Crown in pursuance of statute, and removable on the address of both Houses. The House of Lords may sit for judicial business during the prorogation of Parliament, and even, if authorised by His Majesty, during a dissolution. By an Act of 1913, lords of appeal in ordinary may sit, if qualified, in the English Court of Appeal. It is thus apparent that there is a complete separation of the legislative and judicial functions of the House of Lords, except that the obsolete intervention of lay lords has not been expressly negatived by statute. The appellate jurisdiction is, in terms, derived from the Crown, following the sound precedent of the old writs of error. As Lord Haldane claimed, when speaking on the Bill for the 1913 Act, if the present constitution of the House of Lords were altered, the appellate jurisdiction could, with very little change, stand on its statutory foundations. This point may well be borne in mind in connection with Lord Salisbury's Bill for the reform of the House of Lords. In its existing form that Bill merely adds a new anomaly to the old. It makes the peers who have held high judicial office (including, apparently, the lords of appeal in ordinary) "Lords of Parliament"; and it does not separate the functions of His Majesty in His Court of Parliament from a new Second Chamber placed on an elective basis.

The present Administration of Justice (Appeals) Bill is aimed at remedying the multiplicity of appeals, and to that extent it deals with a question which was raised by Sir Reginald Poole in his Presidential Address at the Oxford meeting of The Law Society, 25th to 28th September, 1933.

Sir Reginald then advocated the giving of a final jurisdiction to the Court of Appeal, reinforced by the law lords. His reason for the proposal was the limiting of appeals. It was not actuated, as in the case of the reforms of 1873-76, by any sense of the inadequacy of the House of Lords in its judicial capacity. But the more modest plan of the Lord Chancellor may serve as well for the present. An attempt to abolish the jurisdiction might involve the need to face again, as in 1873, the awkward question of Scottish and Irish (now Northern Ireland) appeals. Possibly also—as Sir Reginald recognised—there might be some difficulty as regards the Privy Council, in whose appellate work the law lords take part. The question of appeals to that body from the Dominions is beset with difficulties, even as things are. "There are some," said the Lord Chancellor when moving the second reading of the present Bill, "who would like to lay the axe to the root and abolish either the Court of Appeal or your Lordships' House. Whatever the future may have in store for us, that method is not at the moment practical politics. It is not our way to make violent changes in the administration of the law."

Cross-Examination as to a Previous Acquittal.

THE case of *Maxwell* v. *Director of Public Prosecutions* (*The Times*, 1st, 2nd and 29th June) is a striking example of the fairness of our law of evidence in criminal cases. The case went to the House of Lords on the Attorney-General's certificate, and the House reversed the order of the Court of Criminal Appeal upholding the conviction and allowed the prisoner to be released. He was a man, seventy-five years of age, who had been convicted at York Assizes before du Parcq, J., of manslaughter and using an instrument upon a woman with intent to procure her miscarriage. During the trial the appellant had by his counsel "put his character in issue" by cross-examining a witness for the prosecution with a view to showing that the death of a patient some years previously was accidental, and by his own evidence-in-chief as to the integrity of his life and the fact that he had never been convicted of any offence. He was thereupon cross-examined as to credit, and was asked whether in 1927 a woman patient of his had died suddenly and whether (as the fact was) that he had thereafter been committed for trial for murder and tried for manslaughter and acquitted by the jury. It was on the question of the admissibility of this cross-examination that the appeal was principally argued. The case is of considerable importance, because, although, as the Lord Chancellor observed in the course of his judgment, the facts were peculiar and exceptional, it illustrates the principle, sometimes forgotten in practice, that the Criminal Evidence Act, 1898, in its application must still be construed subject to the ordinary law of evidence.

The Act, by s. 1, proviso (*f*), provides (omitting what is immaterial) that—

> "(*f*) A person charged and called as a witness in pursuance of this Act shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of or charged with any offence other than that wherewith he is then charged, or is of bad character, unless—
>
> "(i) The proof that he has committed or been convicted of such an offence is admissible evidence to show that he is guilty of the offence wherewith he is then charged; or
>
> "(ii) he has personally or by his advocate asked questions of the witnesses for the prosecution, with a view to establish his own good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution."

It will be seen, as Lord Sankey remarked, that the Act presented every prisoner with a shield, but provided that if he threw it away he should be exposed to certain specified types of question. This exposure, however, must not be entirely without limits, and the limits must be, for want of any others, those imposed by the ordinary law of evidence as to relevance. Consequently it became necessary to consider the relevance of the questions in this case. This relevance was clearly not the direct and obvious relevance contemplated by s. 1 (*e*) of the Act, which permits questions to be asked though they may tend to incriminate the accused of the actual offence charged. But the questions must be relevant, as the Lord Chancellor pointed out, was clear from s. 1 (*e*), and must therefore be justified on some other ground.

There would appear to be only two grounds on which such questions can be justified. One is that they tend to show "system." In other words, they bear upon the question "whether the acts alleged to constitute the crime charged in the indictment were designed or accidental, or to rebut a defence which would otherwise be open to the accused." (*Makin* v. *Attorney-General for New South Wales* [1894] A.C. 57, at p. 65; *R.* v. *Bond* [1906] 2 K.B. 389 (an abortion case).) The other ground is cross-examination "to credit" designed to show that the accused is not to be believed on his oath, and it is this kind of cross-examination which, by s. 1 (*f*), is allowed if the accused "puts his character in issue." But questions admitted on either of these grounds must be justifiable by the ordinary rules as to relevant evidence. The principle as to evidence of "system" was clearly enunciated in *Makin's Case*, *supra*. The principle as to "credit" must depend, in such cases as the particular one under review, upon whether a previous acquittal upon a similar charge can be any evidence of untruthfulness in the subsequent trial. The House of Lords, following the well-known rule that a man is presumed innocent until he is proved guilty, held that the cross-examination was not admissible. To have admitted it would have been to allow it to be said, by inference, to a jury "This man ought to have been convicted before of a similar offence but he was lucky enough to get off," and possibly in addition, "You see the sort of crime he specialises in." Unless, therefore, one were to remove the whole foundation on which our criminal law is built up, namely, the presumption of innocence, it is difficult to see how questions about a prior acquittal could be justified.

The writer has heard one of the greatest criminal judges reprove a police officer who, in giving the history of a prisoner before sentence, stated that he had been charged with an offence and acquitted. The principle seems just the same.

The minor point was taken for the Crown that, in the words of the proviso to s. 4 of the Criminal Appeal Act, 1907, "no substantial miscarriage of justice" had actually occurred. As Lord Atkin put it during the argument, the question was "whether, if this evidence had been excluded, the jury must have convicted?" After reviewing the facts and the defence put forward, the House came to the conclusion that it was impossible to say that this evidence had not tipped the scales against the appellant, and that, therefore, every rule in his favour being strictly observed, the section must only be applied carefully and sparingly, and that it did not apply to this case. The judgment of Lord Sankey does not profess to be a review of the law of evidence in criminal matters, but it should help to secure uniformity in a sphere where there seems to have been some confusion and doubt.

Mr. William Morris, solicitor, senior partner in the firm of Ashurst, Morris, Crisp & Co., of Throgmorton-avenue, E.C., left a fortune of the gross value of £429,632, with net personalty £398,242.

Company Law and Practice.

Dividends.—II.

Last week we touched on the fringes of the dividend problem; let us see this week if we can get to closer grips with it. What are profits? "The ascertainment of profit is in every case necessarily a matter of estimate and opinion. This is the case not only in determining what is properly chargeable to profit and loss, but also in saying what are the proper figures to be attributed to items occurring in profit and loss. The legitimate way is to take the facts as they actually stand, and, after forming an estimate of the assets as they actually exist, to draw a balance so as to ascertain the result in the shape of profit and loss." Thus, the learned editors of "Buckley," 11th ed., pp. 762, 763.

This may well be followed up by quotation from one or two of the speeches in the House of Lords in the case of *Dovey* v. *Cory* [1901] A.C. 477, to which reference was made in this column last week. "I doubt very much," says the Earl of Halsbury, L.C., at p. 486, "whether such questions can ever be treated in the abstract at all. The mode and manner in which a business is carried on, and what is usual or the reverse, may have a considerable influence in determining the question what may be treated as profit and what as capital . . . It is easy to lay down as an abstract proposition that you must not pay dividends out of capital; but the application of that very plain proposition may raise questions of the utmost difficulty in their solution . . . what are profits and what is capital may be a difficult and sometimes an almost impossible problem to solve."

Lord Macnaghten in the same case, at p. 488, issues this warning: "And I do not think it desirable for any tribunal to do that which Parliament has abstained from doing—that is, to formulate precise rules for the guidance or embarrassment of business men in the conduct of business affairs. There never has been, and I think there never will be, much difficulty in dealing with any particular case on its own facts and circumstances; and, speaking for myself, I rather doubt the wisdom of attempting to do more." Thus Lord Halsbury and Lord Macnaghten differ on one point—the difficulty or otherwise of applying the principle in practice—Lord Halsbury thinks it may present difficulties, and Lord Macnaghten taking the opposite view.

We are still not in sight of a definition of profits; but we may look at a statement of Sir George Jessel, M.R., in *Dent* v. *London Tramways Co.*, 16 Ch. D., at p. 354: "Profits of the year of course mean the surplus in receipts after paying expenses and restoring the capital to the position it was in on the 1st January in that year." It will subsequently appear that the latter qualification as to the restoration of capital is not necessarily applicable in every case, as appears from the decision of the Court of Appeal in *Ammonia Soda Co. Limited* v. *Chamberlain* [1918] 1 Ch. 266. This is an important case and requires some detailed examination.

It was an action brought by a company against some of its former directors, claiming the repayment to the company by those directors of certain sums paid out by way of dividends which, it was alleged by the plaintiff, had been paid out of capital. The facts were that, at the end of the year 1910, the company had a debit balance to profit and loss account of some £19,000, representing trading losses made by the company. After this, a profit was made, and the accounts at the 31st July, 1911, showed a reduction of the debit balance to about £13,000, the reduction being made by bringing in the profit referred to. Depreciation of a substantial amount, nearly £14,000, had been allowed in the company's accounts during its working life.

In July, 1911, two of the directors, who were not expert valuers, re-valued the land forming part of the company's assets, and put upon it a value some £20,000 higher than that at which it stood in the books of the company. As a result of this revaluation the board were able to wipe off the £13,000 debit balance to profit and loss, and they subsequently paid dividends out of the profits subsequently made in trading. A few years later the control of the company passed into other hands, and an action of the nature indicated was thereupon launched.

On behalf of the company it was contended that the payment of dividends was made out of capital and was, therefore, *ultra vires*, and if it was not, it was not made out of profits, which were, under the company's articles, the only source of dividends. Particular stress was laid on the argument that once there is a debit to profit and loss no dividend can be paid until that loss is made good. That is in accordance with the observation of Sir George Jessel quoted above; but the Court of Appeal would not have it, for reasons which appear later. Reference was also made in argument to Fletcher Moulton, L.J.'s explanation of the meaning of the word "profits" in *Re Spanish Prospecting Co. Limited* [1911] 1 Ch. 92, and we may turn aside to look at this explanation for a moment.

It is true that the learned Lord Justice there expressly stated that his observations have no bearing on the vexed question of the fund out of which dividends may legally be paid in limited companies; but, be that as it may, it seems to the writer that they contain a plain statement of general principle which it is well to bear in mind in thinking of this subject. "We start, therefore," he says at p. 99, "with this fundamental definition of profits, namely, if the total assets of the business at the two dates be compared, the increase which they show at the later date as compared with the earlier date (due allowances of course being made for any capital introduced into or taken out of the business in the meanwhile) represents in strictness the profits of the business during the period in question."

Swinfen Eady, L.J., in his judgment in the *Ammonia Soda Case*, deals with the contention that losses must be made good before dividends can be paid, first explaining that it was admitted that the dividends were paid out of net profits earned during the period in respect of which the dividends were paid, but that the contention was that such net profits could not be regarded as profits, because of the previous losses. "In my judgment this argument is unsound and has been exposed again and again. The Companies Acts do not impose any obligation upon a limited company, nor does the law require that it shall not distribute as dividend the clear net profit of its trading unless its paid up capital is intact or until it has made good all losses incurred in previous years." Three cases are quoted to support this view: *Lee* v. *Neuchatel Asphalte Co.*, 41 Ch.D. 1; *Verner* v. *General and Commercial Investment Trust* [1894] 2 Ch. 239; and *Re National Bank of Wales* [1899] 2 Ch. 629.

Warrington, L.J., adds a very salutary qualification, at p. 292, as follows: "I am, of course, far from saying that in all such cases dividends can properly be paid without making good the previous loss; the nature of the business and the amount of the loss may be such that no honest and reasonable man of business would think of paying dividends without providing for it. In such a case I apprehend the court would take the view that a payment which no honest and reasonable man of business would think it right to make could not properly be made by the directors."

Warrington, L.J., puts his decision in two ways; first he says that, even without taking credit for the appreciation in the value of the land, the dividends were properly paid, and secondly he says that, even if he is wrong in that view, the directors, as they honestly and reasonably believed the land was of the enhanced value set out in the balance sheet, were entitled to treat it as of that value; and the effect of so doing was that there was in fact no deficiency of paid up capital and that therefore no question arose of making good past losses.

It seems doubtful, to put it no higher, whether this decision accords with the views of Lord Davey in *Dovey* v. *Cory*, *supra*, though the views to which I refer were purely *obiter*. This is what Lord Davey says, at p. 493, referring to the judgment in the Court of Appeal in that case, reported *sub-nom. Re National Bank of Wales Limited* [1899] 2 Ch. 629. "The learned judges seem to have thought that a joint stock company, incorporated under the Companies Acts, may write off to capital losses incurred in previous years, and may in any subsequent year, if the receipts for that year exceed the outgoings, pay dividends out of such excess without making up the capital account. If this proposition be well founded, it appears to me that a company whose capital is not repesented by available assets need never trouble itself to reduce its capital, with the leave of the court and subject to the other conditions imposed by the Act of 1877, in order to enable itself to pay dividends out of current receipts." But the decision of the Court of Appeal in the *Ammonia Soda Case* has never since its decision been effectively challenged, and it is frequently acted on in practice.

A Conveyancer's Diary.

Statute of Limitations—Extinguishment of Title of Beneficiaries where Title obtained against Trustees for Sale.

THERE is an interesting point, which I do not think I have considered before, regarding the effect of the Statute of Limitations in respect of the interests of beneficiaries.

Say that land is held upon trust for sale by trustees and the proceeds settled upon trust for A for life and after his death for all his children in equal shares.

The trustees sell the property wrongly, say without obtaining the consent in writing of A, which the settlement requires them to do.

The purchaser is let into possession and remains in possession without acknowledgment for more than twelve years.

The title of the trustees is barred and so is the title of A. The question raised is are the children barred also ?

I can only find one direct authority on the subject: *Bolling* v. *Hobday* (1882), 31 W.R. 9.

The facts are somewhat complicated but are worth stating as shortly as possible.

One Mary Crow, being seised of certain gavelkind lands, by her will devised the same to trustees in trust to allow her daughter Sophia Smith during her life to reside in the house and to enjoy the same and the lands and premises thereto belonging, and after her death the trustees were to sell the property and to divide the same among the four children of Sophia Smith, namely, Mary Ann Smith, Sarah Smith, Thomas Smith and John Smith. There was an option given to Thomas Smith after the death of his mother to occupy the house and lands on paying a reasonable rent to the trustees. That option was not exercised. The testatrix died in 1816 and on her death Sophia Smith, the tenant for life, entered and occupied until her own death in 1857. On her death the two grandsons, Thomas and John, entered and remained in possession until the death of the latter, which happened in 1874. On John's death Thomas remained in possession until his death in 1880. The trustees never in any way acted so far as the real estate was concerned. During the possession of Thomas and John they enjoyed without interruption and without acknowledgment, and after John's death Thomas also enjoyed without any interruption or acknowledgment.

The real representatives of Thomas were in possession.

The claimants were the real representatives of the daughter, the real representatives of John and the real representatives of Thomas.

It was admitted that the estate of the trustees was barred by the expiration of twenty years (it would now be twelve years) from the death of the testatrix.

It was contended in the first place that John and Thomas ought to be treated as tenants in common. Chitty, J., however, said " It is clear that where a title is acquired by possession originally unlawful, under the Statute of Limitations the estate so acquired is a joint tenancy " ; and his lordship referred to *Ward* v. *Ward* (1871), 6 Ch. 789, as an authority on that point.

Now the possession of John and Thomas was originally unlawful, and any estate which they acquired under the statute would be a joint tenancy, and so pass to Thomas on the death of John.

Then it was said that John and Thomas were under the will at least tenants in common of one fourth share each, and that John's possession ought to be ascribed to his lawful title as such tenant in common, and that Thomas did not oust John and acquire that fourth.

His lordship pointed out with regard to that, that s. 34 of the Statute of 1833 provided : " That the right and title shall be extinguished." The learned judge continued (and here is the important part of the judgment for the present purpose) : " The result is that the right and title of the trustees, or in other words the legal estate in fee simple which they would have taken under the will, was extinguished, and by the extinguishment of the legal estate—by the extinguishment of all their right and title—the trusts by which that estate was effected were also extinguished. It seems to me that that is a conclusive answer to the claim."

There was one other point (the answer to which we are familiar with in these days) namely, that John and Thomas were equitable tenants in common of an estate under the will.

On that point Chitty, J., said, that " they were only entitled to one fourth share each of the proceeds of sale of the real estate, and in that sense—and in that sense only—had they any equitable interest in the land. Therefore, it would be wrong to ascribe their possession which was unlawful for all the purposes of the will, to the supposed lawful title that they had in respect of one fourth share of the proceeds of sale."

The real representatives of Thomas, therefore, got the whole estate.

It seems to follow from this case that in the case which I have supposed the children of A were barred because the title of the trustees had been extinguished, and " the trusts by which that estate was effected were also extinguished."

The result is somewhat curious, because if in that case there had been no trust for sale and the remaindermen therefore had equitable estates in the land, their title would not have been extinguished merely because the title of the trustees was extinguished. They would have had six years after the determination of the life tenancy in which to make their claim. Of course in that particular case a claim was not made within the six years, but the point is that the extinguishment of the title of the trustees and the tenant for life would not in itself have extinguished their title.

I have only to add that it appears that in the case which I have supposed, if, after the wrongful sale, the beneficiaries had put an end to the trust for sale, the purchaser would not have been affected (*cf. Stackpoole* v. *Stackpoole* (1843), 4 Dr. & War. 320).

NEW MALAYAN BANKRUPTCY LEGISLATION.

It is recorded in the annual report of the Federated Malay States Bankruptcy Department that during 1933 reciprocal arrangements were made affecting bankruptcy between the F.M.S. and the State of Johore. A revised scale of fees based on the English rates was approved by Government and brought into force on 1st October. A proposal to increase deposits from $20 to $50 in the case of creditors' petitions, and from $20 to $30 in the case of debtors' petitions under r. 101, was submitted to Government, and the matter was still under discussion at the end of the year.

Landlord and Tenant Notebook.

Disrepair: Decisions and *Dicta* Favouring the Covenantor.

It is not easy to find, among the many hundreds of authorities interpreting covenants to repair, many containing words calculated to comfort a tenant covenantor served with a dilapidations notice or threatened with a claim for damages. Most of the decisions, old and recent, have been such as have caused disappointment to tenants who have failed to appreciate what they undertook when they entered into these covenants. But there have been occasions when the courts have seen fit not only to criticise too exacting covenantees but to dismiss their claims on broad principles, and it has occurred to me that a small collection of judgments and *dicta* favouring the covenantor might be useful to readers of the "Notebook."

Chief Justice Tindal appears to have been a judge who was particularly disposed to interpret the covenant in favour of the tenant, and his directions to the juries in *Harris* v. *Jones* (1832), 1 Moo. & R. 173, and *Gutteridge* v. *Maynard* (1834), 1 Moo. & R. 334, are worth noting. In the former, the tenant was sued for damages at the termination of a six years' lease containing what was called a "general" covenant to repair. This does not mean that the standard was not defined, but that it mentioned no specific method or specific repairs. It was, indeed, the usual wordy covenant "well and sufficiently to repair, uphold, support and keep the premises and appurtenances, etc., and all roofs, walls, etc., by and with all manner of needful and necessary reparations, cleansings and amendments whatsoever," etc., but the concluding promise "to deliver up so well and sufficiently repaired, upheld, etc.," terminated with "in good and substantial repair and condition." The plaintiff's evidence was that it would cost £20 to repair the premises, including the replacing of a broken skylight (40s.). Tindal, C.J., told the jury to consider "whether the covenant had been *substantially* complied with. It was not to be expected that a *strict and literal* performance of the covenant could be proved. The words 'in good and substantial repair' [which qualified the 'deliver up' promise—the draughtsman had overdone it!] gave a clue to the whole. The defendant was bound to keep up an old house as an old house, not to give the plaintiff the benefit of new work." Whereupon the jury found for the defendant; and a subsequent rule *nisi* was discharged.

There was, in the same case, a claim for having failed to paint in the fifth year, in accordance with another covenant; and this having apparently been broken, Tindal, C.J., suggested nominal damages, which the jury duly awarded.

Gutteridge v. *Maynard* was a forfeiture action based on the alleged breach of a very similar covenant. The plaintiffs' witnesses said, in cross-examination, that the house was two or three hundred years old, and Tindal, C.J., in directing the jury, said the covenant did not mean that an old building was to be restored in new form. The tenant "was bound by seasonable applications of labour to keep the house as nearly as possible in the same condition as when it was demised. If it appears that he has made these applications, and laid out money from time to time upon the premises, it would not, perhaps, be fair to judge him very rigorously by the reports of a surveyor who is sent upon the premises *for the very purpose of finding fault.*"

And in *Stanley* v. *Towgood* (1836), 3 Bing. N.C. 4, an action against a tenant's executors on a covenant to keep in good and tenantable repair, the same judge (dealing with a rule *nisi*) said: "I agree that in all these cases the question is whether the premises have been kept in *substantial* repair, as opposed to claims for *fancied injuries*, such as a mere crack in a pane of glass, or the like."

The case of *Scales* v. *Lawrence* (1866), 2 F. & F. 289, tried by Willes, J., concerned the breach of a covenant "so often as need shall require well and sufficiently to repair, uphold, sustain, paint, glaze, cleanse and scour . . . and to leave in such repair." The house was an old one, and the lease had been for a term of seven years. The tenant had done some repairs and painting, but admitted some disrepair, and paid £30 into court. The landlord's expert witnesses assessed the damage at £60, which included re-papering some rooms where the wallpaper was dirty. The learned judge, after saying much the same thing about old houses as Tindal, C.J., said in the first two cases I have cited, concluded his summing up as follows: "Questions of this sort are questions of fact for you, to be decided on what are the *substantial merits* of the case rather than on *strict rights or extreme law* . . . Such covenants must not be strained, but *reasonably construed*, on the principle of 'give and take.'"

A more recent authority is that of *Perry* v. *Chotzner* (1893), 9 T.L.R. 488, which represented an attempt to forfeit a ninety-nine-year lease, in its twentieth year, on the ground of a broken covenant to keep in good repair. There was also a covenant to paint the inside every seven years, which was not alleged to have been broken, but which played some part in in the decision. For the dilapidations notice specified defective plastering and cracks in walls and ceilings caused by driving in nails. On the question of plastering, Cave, J., said that if a tenant was to paint once in seven years he ought not to be called upon to distemper within the septennial period, or to do other repairs usually left till the painting was to be done. But it was on the holes in the wall that the learned judge was most emphatic. "He should not hold that a house was out of repair because a dozen cracks appeared in the plastering which did not interfere with the structure. It was a monstrous thing to say that because a person put nails into the wall of a house he must take them out and fill up the holes or commit a breach of the covenants of a repairing lease."

Our County Court Letter.

INCAPACITY FROM NEURITIS.

In *Roberts* v. *Prestage and Broseley Tileries Co. Ltd.*, at Madeley County Court, an award was claimed in the following circumstances: (1) The applicant, while working as a fireman in a clay pit, had injured his foot on the 1st November, 1922; (2) he resumed his old work from June, 1931, to January, 1933, but was always in pain, and his toes were amputated in August, 1933; (3) compensation had ceased in January, 1934, but the applicant's medical evidence was that the arch of the foot had dropped, and neuritis had set in and was likely to continue. The respondents' case was that (*a*) for eighteen years the applicant had been tenant of an 85 acre farm, and (in spite of his injury) he admitted doing some of the work himself; (*b*) their medical evidence was that the operation had not interfered with the rest of the foot (the arch of which was good), while the absence of swelling was inconsistent with the presence of neuritis. His Honour Judge Samuel, K.C., observed that (1) the applicant, in spite of his disability, had attended to his work regularly for nearly two years; (2) although he did some work on his farm, he had suffered some loss of earning capacity, but was not entitled to a continuance of compensation at £1 5s. 3d. a week—as paid to the 27th January last; (3) from that date the applicant was entitled to 15s. 3d. a week. An award was made accordingly, with qualifying fee and costs.

JOHNES DISEASE IN CATTLE.

In the recent case of *Nadin* v. *Boffey*, at Birmingham County Court, the claim was for £100 as damages for breach of warranty of a cow, which had been bought as "right and straight." The plaintiff's case was that (1) having bought the cow (in June, 1933) for £19 10s., he discovered that she had a wasting disease, and was no good for milk; (2) he had then tried to fatten her (on the defendant's advice), but she did not

improve, and a solicitor was consulted last February; (3) on the 24th April a veterinary surgeon was called in, but the cow was sold for dog's meat (on the 1st May) for 30s.; (4) the special damage included keep at 12s. a week, loss of milk from August at £1 a week, and the cost of using a shed for isolation. The veterinary surgeon's evidence was that (*a*) the cow was suffering from Johnes disease, which (from her history) must have been present in June, 1933; (*b*) her condition was not due to "liver" or parasitic gastritis. The defendant's case was that (1) the cow was about four years old, and his only warranty had been that she was "right and straight in the udder"—in accordance with the market practice; (2) he had seen her on the 12th July, 1933, when there was no sign of Johnes disease; (3) the latter would prove fatal in three months, and the period for which the cow had since lived showed that the diagnosis was mistaken. His Honour Judge Dyer, K.C., held that the warranty was not limited (as contended by the defendant) but was a full warranty that the cow was "right and straight." Nevertheless there was not evidence of breach of warranty, since—if the cow had had Johnes disease in June, 1933—she would not have lived so long afterwards. Judgment was therefore given for the defendant, with costs.

INVALID MORTGAGE OF INSURANCE POLICY.

In *Daniels* v. *Quick*, recently heard at Weston-super-Mare County Court, the claim was for the return of an endowment policy (or £25 its value) and £5 as damages for its detention. The plaintiff's case was that (1) he had paid the premiums of 1s. a week on the policy, which matured in January, 1934, but during September, 1933, his wife had given it to the defendant as security for a debt of £150; (2) her separate estate was alone liable therefor, as she had had her own business (as a farmer) and was in debt to her landlord (the defendant) for about four years' arrears of rent at £37 a year; (3) the plaintiff had first heard of the purported assignment last November, when his wife filed her petition in bankruptcy; (4) he had refused to consent to the mortgage, as he required the policy money in his old age. The defendant's case was that (1) the plaintiff's wife had written a note (in the presence of the plaintiff and with his consent) transferring the policy to the defendant; (2) by not exercising his right of distress, the defendant had shown great consideration to the plaintiff and his wife. His Honour Judge Parsons, K.C., observed that it was not necessary to decide the issue, as to whether the policy was stolen from the plaintiff, who was not present when it was handed to the defendant. Judgment was therefore given for the return of the policy to the plaintiff, and for £2 as damages for its detention, and costs.

RECENT DECISIONS UNDER THE WORKMEN'S COMPENSATION ACTS.

SILICOSIS AND WORKMEN'S COMPENSATION.

In two recent test cases at Neath County Court (viz, *Hutchings* v. *Amalgamated Anthracite Collieries Ltd.*; *Morgan* v. *The Same*) awards were claimed by reason of incapacity due to silicosis. The respondents disputed liability, on the ground that the applicants had been working in shale—upon processes which were not within the scheme. In a reserved judgment (delivered at Llanelly County Court) His Honour Judge Frank Davies observed that (*a*) Silica was sometimes a dry substance, but became wet silica on the addition of water; (*b*) Pure silica (after purification) might be called dry deposit or dry admixture, but shale could not be called silica rock, as shale was a rock deposit and was not a dry residue of silica; (*c*) Wet admixture was powdered rock (comprising water as a constituent part of the bulk) whereas if rock had been powdered (and the particles mixed by the hand of man or other artificial means) the result was a dry admixture; (*d*) Loose shale was not a dry admixture, and (in the case of Hutchings) the silicosis was not due to working on silica rock, but was caused by working in shale; (*e*) In the case of Morgan, the silicosis was partly caused by working in shale (containing 30 per cent. silica) as the work on the hard heading had made him more susceptible. Judgment was therefore given in favour of the respondents, with the costs of the above and a previous hearing, but without the costs of an intermediate application to the Court of Appeal. A stay of execution was granted.

THE CERTIFICATES OF MEDICAL REFEREES.

In a recent case at Newcastle-on-Tyne County Court (*Moore* v. *Wallsend and Hebburn Coal Co. Ltd.*) an award was claimed on the grounds of partial incapacity, in the following circumstances: (1) On the 3rd August, 1933, the applicant (a "puller-up" on a coal conveyor) had had an accident, necessitating the amputation of a finger; (2) full compensation (viz., 30s. a week) was paid until January, 1934, when the respondents' doctor certified the applicant as being fit for light work; (3) in consequence of the contrary opinion of the applicant's own doctor, the matter was referred to the Medical Referee, who certified (in February) that the applicant had completely recovered, and (being fit for his work as "puller-up") was no longer subject to any incapacity; (4) in March the applicant therefore returned to his old work, but could not continue. Corroborative evidence by his own doctor was given, although the respondents contended that—in view of the certificate of the Medical Referee—such evidence was inadmissible. The evidence was that the applicant's condition had not changed since January, and—as the stump of the finger was still painful—he was only fit for light work. His Honour Judge Thesiger enquired whether there would be any objection to sending the case to another Medical Referee, but the respondents contended that—as the legislature had sanctioned the institution of Medical Referees—the only course open to the court was to administer the system. His Honour held that an award could not be made—in contradiction of the Medical Referee's conclusion—and judgment was therefore given for the respondents, with costs. Compare *Brodsworth Main Colliery Co. Ltd.* (*The Times*, 9th June, 1934).

Books Received.

Concise Handbook of the Law affecting Landlord and Tenant. By R. Borregaard, M.A., of the Inner Temple, Barrister-at-Law. Second Edition. 1934. Demy 8vo. pp. li and (with Index) 292. London: Sir Isaac Pitman & Sons, Limited. 8s. 6d. net.

International Survey of Legal Decisions on Labour Law. 1932. (Eighth Year.) 1934. Royal 8vo. pp. liii and (with Index) 387. Geneva: League of Nations International Labour Office. Price 8s.

Reminders for Company Secretaries. By Herbert W. Jordan, Company Registration Agent. Sixteenth Edition, 1934. Demy 8vo. pp. viii and 67. London: Jordan & Sons, Ltd. 2s. 6d. net.

Odgers on Pleading and Practice. Eleventh Edition, 1934. By W. Blake Odgers, M.A., of Balliol College, Oxford, the Middle Temple, and the Western Circuit; and B. A. Harwood, B.A., of Christ Church, Oxford, the Inner Temple, and the Western Circuit. Demy 8vo. pp. lxxvi and (with Index) 560. London: Stevens & Sons, Ltd. 20s. net.

The Development of International Law by the Permanent Court of International Justice. By H. Lauterpacht, LL.D., Dr. Jur., Dr. Sc. Pol. 1934. Demy 8vo. pp. ix and (with Index) 111. London: Longmans, Green & Co., Limited. 6s. 6d. net.

POINTS IN PRACTICE.

Questions from Solicitors who are Registered Annual Subscribers only are answered, and without charge, on the understanding that neither the Proprietors nor the Editor, nor any member of the Staff, is responsible for the correctness of the replies given or for any steps taken in consequence thereof. All questions must be typewritten (in duplicate), addressed to the Editorial Department, 29-31 Breams Buildings, E.C.4, and contain the name and address of the Subscriber. In matters of urgency answers will be forwarded by post if a stamped addressed envelope is enclosed.

Validity of Foreign Marriage.

Q. 3000. A, who is a British subject residing in Southampton, a marine engineer on a liner calling at Buenos Aires, there met and decided to marry B, a girl of twenty, resident in Buenos Aires, born of British parents, her mother being dead. The marriage was arranged to take place at night in front of the Civil Registrar at Buenos Aires, but owing to some technical hitch it had to be postponed until the morning. A's ship sailed that night, and the marriage took place the next morning before the Chief Civil Registrar, A being represented by a proxy, to whom he had given a power of attorney in writing to represent him at the ceremony. The marriage certificate issued by the Civil Registrar of the Argentine Republic at Buenos Aires states that B's father was present at the ceremony and consented, B's mother being dead. A and B have now come to live permanently in England.

(1) Is this marriage valid in England ?

(2) If not, is another ceremony in England necessary, and if so, will the Registrar require the consent of the father of B, who is now in Argentine, or will the evidence in the marriage certificate that he consented to the Argentine ceremony be sufficient ?

A. There is no provision in English law for marriage by proxy, as the right, power or duty of contracting marriage is not one which can be validly delegated by power of attorney. The opinion is therefore given that—

(1) The marriage is not valid in England ;

(2) Another ceremony is necessary in England, and a fresh consent of the father of B must be obtained. The evidence in the marriage certificate that he consented to the Argentine ceremony is insufficient, as the consent may have been conditional, e.g., on residence in the Argentine. The certificate does not operate as an estoppel, and the father of B may have changed his mind in the meantime.

Rent and Mortgage Interest Restrictions Acts, 1920 to 1933.

Q. 3001. On p. 138 of your issue of the 24th February, appears a report of a lecture to the Solicitors' Managing Clerks' Association on the Rent Act. In the second column a statement is made that " a conflict was bound to arise on the question of exactly what the effect of registration (in the decontrol register) would be." We were wondering whether you could give us the benefit of your own views upon the matter as the point seems of some importance, and we have, in fact, often had to consider the point in practice, without reaching any definite conclusion.

A. There are two views as to the effect of the registration of a decontrolled house after the 18th October, 1933, in pursuance of a certificate of a county court. The view which appears to have the greatest measure of support is that the effect is to render the house capable of becoming decontrolled when the landlord next obtains possession. This view is stated in Circular 1348, dated 24th July, 1933, issued by the Ministry of Health, in the following words :—" If the house is occupied at the time, the late registration will not remove protection from the sitting tenant ; the landlord will have to wait until he again comes into possession of the premises before he can treat the house as decontrolled." The other view is that the house is restored to the status of a decontrolled house as soon as the certificate is lodged with the local council. This view is supported by a decision of Judge Crawford in *Maggs* v. *Rickold*, at Edmonton County Court, on 19th January last (see " Estates Gazette," 27th January, at p. 132). On this view a decontrolled Class C house, which was let on the 18th July, 1933, and not registered by the 18th October, 1933, became controlled after the date, but becomes decontrolled again as soon as application for registration is made after a certificate has been granted by the county court.

Married Women and Bankruptcy.

Q. 3002. Mrs. X, a married woman, is a director with Y of a private limited company, carrying on business as woollen merchants, and both Mrs. X and Y guaranteed the overdraft of the company at its bankers. The company traded for some time, and then went into liquidation, and the bank called upon Mrs. X and Y to discharge the company's overdraft. They failed to do this, and the bank have obtained judgment in respect of the said guarantee against Mrs. X and against Y. Mrs. X's sole connection with the business was that of director only, and in that capacity she signed the cheques, but she took no active part whatsoever in the company's business. The bank now threaten to issue a bankruptcy notice against Mrs. X on their judgment. Is Mrs. X carrying on a trade or business within the meaning of s. 125 of the Bankruptcy Act, 1914 ?

A. Mrs. X is not carrying on the trade or business of a woollen merchant, as the company is doing so. There is no such thing as the trade or business of a company director, even if several directorships are held, and—as Mrs. X only has one such position—she is safe from bankruptcy proceedings on that account. The point that she took no active part does not therefore arise, and an application should be made to set aside any bankruptcy notice which may be issued.

Arbitration and Building Contract.

Q. 3003. A enters into contract with B to build a house for £800. B has in fact paid £880. A completes premises and now requires further £100. Usual arbitration clause in agreement. B says he only authorised £66 further expenditure (there was no specification attached to agreement). A now wishes to go to arbitration. B says nothing to arbitrate upon as A has received all the money due under contract. What should B do to prevent arbitration proceedings ?

A. B's contention is untenable, as the original contract has already been varied by mutual consent—as shown by B's over-payment of £80. He cannot now rely upon the original terms of the contract, as he has agreed to a modification—and the fact that this may have been verbal does not affect its validity. A *bona fide* dispute as to amount appears to have arisen, and the agreed mode of settlement is by arbitration. If B wishes to prevent arbitration proceedings, he can only do so by an application to the court for an injunction—either against A or the arbitrator. Even if A accepts the contention that the building contract has been discharged (by performance), A would have a right to sue B at law on a fresh cause of action, viz., the supplementary agreement for extras. B would therefore derive no advantage from staying the arbitration proceedings.

To-day and Yesterday.

Legal Calendar.

9 July.—On the 9th July, 1845, William Warren, a young shoemaker, was tried at the Old Bailey, before Mr. Justice Williams on a charge of attempting to murder his wife. Some words had occurred between them "on the subject of wearing apparel." She had said she would leave him and take the children away, and, although, according to her story in court, she meant it as a joke, her husband saw no humour in it, since he proceeded to wound her in the throat with a knife with which he was cutting some leather. The landlady of the pair gave them the character of a very loving couple, and spoke well of the prisoner, who was found guilty of a common assault and sentenced to three months' hard labour in the house of correction.

10 July.—William Blackstone, the posthumous son of a silkman and citizen and bowyer of London, was born in Cheapside on the 10th July, 1723. His mother also dying before he was twelve years of age, he was left in the care of her brother, Mr. Thomas Bigg, a surgeon of Newgate-street. His early education was at the Charterhouse, and he became head of the school before he left for Oxford. He had gained a gold medal for a poem on Milton, but the strained and stilted style of his verses shows that nothing was lost to literature when he joined the Middle Temple and wrote "The Lawyer's Farewell to his Muse."

11 July.—On the 11th July, 1850, Robert Pate was indicted for "having with a certain offensive weapon, that is to say, a stick, unlawfully and maliciously struck at the person of Our Lady the Queen." He had aimed the blow at her while she was driving in her carriage, and had actually damaged her bonnet. There was evidence that even while he had held a commission in the 10th Hussars his conduct had been very strange and eccentric, and the head physician of Hanwell Lunatic Asylum gave it as his opinion that he was a person of unsound mind, but the jury found him guilty and he was sentenced to seven years' transportation.

12 July.—On the 12th July, 1798, the brothers Henry and John Sheares, both members of the Bar, were tried for high treason in respect of their part in the Irish rebellion of that year. The judge was Lord Carlton, Chief Justice of the Common Pleas, who had been an intimate friend of their parents. The trial lasted almost without interval till eight o'clock the following morning when, in spite of an impassioned defence by the great Curran, both the prisoners were found guilty and sentenced to death.

13 July.—*Dale* v. *Donaw* was tried before Lord Denman on the 13th July, 1835. The plaintiff and his wife had been crossing the Thames in a boat rowed by two experienced watermen when, according to their evidence, a steamer bore down on them at the terrific speed of seven or eight miles an hour. The swell swamped the boat and its occupants were thrown into the water. For the captain of the steamship it was alleged that the rate was only four or five miles an hour, but the jury returned a verdict for the plaintiff with £100 damages.

14 July.—In the course of 1679 Sir Thomas Raymond, having filled a place first in the Court of Exchequer and then in the Court of Common Pleas, finally came to rest in the Court of King's Bench. Here he sat for little more than three years, for he died on the 14th July, 1683, while engaged on circuit. He left behind him a little son, Robert, aged ten, whom nine months previously he had caused to be admitted to Gray's Inn and who was destined to attain high honour as Lord Raymond, Chief Justice of the King's Bench.

15 July.—On the 15th July, 1850, Sir Thomas Wilde, C.J., was sworn Lord Chancellor. He was raised to the peerage as Baron Truro of Bowes, Middlesex.

The Week's Personality.

Before being called to the Bar, Thomas Wilde practised for some years as an attorney. When he turned to advocacy he had no personal advantages to charm an audience, for he was short and thickset with an unmusical voice and a monotonous delivery. However, he was a master of all the technicalities of pleading, and his astonishing industry made eventual success a certainty. In the great case of *Small* v. *Attwood*, which brought him fifteen thousand guineas, his instructions were contained in several large wooden boxes. For six weeks he studied them, shutting himself up in solitude and refusing to converse with anyone. This was characteristic, for it was said of him that on behalf of his clients "no drudgery was too great, no labour too exacting. The client whose life, whose fortune, whose hopes of happiness were at stake felt that every pang which racked him was shared by his advocate." In 1846 he became Chief Justice of the Common Pleas, and in 1850, at the age of sixty-eight, he was appointed Lord Chancellor. In spite of his inexperience of Chancery business, he made himself, at the cost of intense study, a very competent equity judge, an effort which impaired his health and probably contributed to cause his death five years later.

An Animal Trial.

A recent newspaper report stated that a cow had been sentenced to death at Grud, in Jugo-Slavia, for killing a woman whom it impaled on its horns. It does not appear whether the underlying idea was that of the deodand or whether the beast was only condemned to die because it was dangerous. It would be interesting to know whether the practice is in any way connected with the animal trials so common in the middle ages. For example, in 1314, a bull which had tossed and killed a man was brought before the judges of the Province of Valois and indicted. Several witnesses having given evidence, it was condemned to be hanged. The sentence was confirmed by the Parliament and carried into effect. In 1584, Valence was troubled with a plague of caterpillars. The Grand Vicar cited them to appear in his court, appointed a proctor to defend them, heard the case argued and condemned them to quit the diocese. In contempt of court, the creatures failed to comply with the order and the question arose whether anathema and imprecation or malediction and excommunication would meet the case. Eventually, it was decided to have recourse to adjuration, prayers and the sprinkling of holy water. This method was tried for several months and in the end the caterpillars disappeared.

Years on the Bench.

Although the Bill dealing with the appointment of a paid Chairman for the Middlesex Quarter Sessions has fixed an age limit of seventy-two, Sir Thomas Forster, K.C., who is seventy-four, is to be admitted to take up the post, provided he agrees to retire when he is seventy-six. His unpaid predecessor Sir Montagu Sharpe, K.C., reached the age of seventy-eight in the satisfactory performance of his duties. In another sphere, His Honour Judge Crawford, also in his eighth decade, has been lamenting the shadow of a reluctant farewell to the County Court purple. It may be that such topics occupied the mind of the advocate at Shoreditch County Court who, when asked recently whether a certain applicant was an infant, replied: "Not in law, but in these days of longevity he might be thought one. He is getting on for sixty." To-day no member of the Bar would be so thoughtless as that Irish counsel who, in arguing before Vice-Chancellor Chatterton the question of setting aside a settlement, said: "The settlor, my lord, had attained the great age of seventy-eight and had, therefore, reached the time of life when not only are the physical activities impaired but, as we all know, the mental faculties are clouded by decay." "I reached the age of seventy-eight myself last week," said the judge.

Notes of Cases.

House of Lords.

M'Gillivray *v.* Hope and Another.

Lord Tomlin, Lord Warrington, Lord Thankerton, Lord Russell and Lord Macmillan. 21st June, 1934.

Workmen's Compensation—Previous Employers—Contribution — Arbitration — Various Industries Silicosis Scheme, 1928, s. 9.

This was an appeal by Mr. M'Gillivray, trustee of the sequestered estates of Mr. Wm. Gladstone, builder, against the judgment of the Court of Session on a case stated in an arbitration between Mr. Henry, a mason, and Mr. Gladstone, his last employer. The question raised was whether the appellant could claim, in respect of compensation payable to the workman, contributions from previous employers within the meaning of cl. 9 of the Various Industries Silicosis Scheme, 1928. No compensation had been paid by Gladstone, who had become bankrupt, nor out of his sequestered estates. In May, 1931, the workman was awarded weekly payments in respect of total disablement by silicosis and compensation was awarded against Gladstone as the last employer. He had been authorised to serve a claim for contribution under cl. 9 on the respondents Hope and Bell who as well as Gladstone had been employers in the processes specified in the scheme. Gladstone failed to make the weekly payments and became bankrupt, and the present appellant became trustee in the sequestration. The appellant appeared in the arbitration process as trustee of the bankrupt and asked for an award against Hope and against Bell; but the arbitrator held that it was not competent for him to make the awards, and the Court of Session affirmed his decision. The appellant now appealed.

Lord Tomlin, in giving judgment, said the last employer was the only person who was under liability to the workman for the compensation, and the provision whereby the last employer was able to recover something from previous employers was for the benefit of the last employer and not for the workman. He was also of opinion that "contributions" did not mean contributions in the strict sense of the word, but meant such sums by way *pro tanto* of indemnity to the last employer for what he had paid for compensation as in default of agreement might be determined by arbitration. It seemed plain that as no payment had ever been made in respect of the compensation the appellant was not in a position to make any claim to contribution against either of the respondents, but if any payment was thereafter made out of the estates in the sequestration, the right of the appellant against the respondents to such contributions as in default of agreement might be determined by arbitration under the scheme would arise. In effect, therefore, the appeal should be dismissed with costs. The other noble and learned lords concurred.

Counsel: *R. Gibson*, K.C., and *James Walker; John Carmont*, K.C., and *W. R. Walker*.

Solicitors: *W. H. Thompson*, for *W. G. Leechman & Co.*, Edinburgh; *Munro, Shaw & Co.*, for *Scott & Glover*, W.S., Edinburgh; *M'Jerrow & Stevenson*, Lockerbie; *J. H. McGowan, Son & Brydon*, Dumfries.

[Reported by S. E. Williams, Esq., Barrister-at-Law.]

Court of Appeal.

Theo. Conway Ltd. *v.* Kenwood.

Greer and Maugham, L.JJ. 14th June, 1934.

Practice—Official Referee—Interlocutory Appeal—Supreme Court of Judicature (Consolidation) Act, 1925 (15 & 16 Geo. 5, c. 49), s. 89—Administration of Justice Act, 1932 (22 & 23 Geo. 5, c. 55), s. 1 (1).

Interlocutory appeal from a decision of Macnaghten, J.

In September, 1931, the plaintiffs sued the defendants for the balance alleged to be due under a building contract. In October, 1931, the action was referred to the Official Referee, who, in May, 1934, made an order dismissing it for want of prosecution. On appeal, Macnaghten, J., discharged the order directing that the plaintiffs should apply to have a day fixed for trial.

Greer, L.J., allowing the appeal, said that at the time when the matter was referred to the Official Referee there was a right of appeal from his decision, but this was altered by s. 1 (1) of the Administration of Justice Act, 1932, which contained words wide enough to cover any decision by an official referee in respect of any question arising on a matter referred to him under s. 89 of the Supreme Court of Judicature (Consolidation) Act, 1925. The section applied to references made before the Act came into operation.

Maugham, L.J., agreed.

Counsel: *Eastham*, K.C., *Rimmer*, and *M. Hoare; Croom-Johnson*, K.C., and *Rewcastle*.

Solicitors: *Woodcock, Ryland & Parker*, agents for *Preston & Redman*, of Bournemouth; *Goodman, Brown & Co.*

[Reported by Francis H. Cowper, Esq., Barrister-at-Law.]

Versicherungs und Transport Aktiengesellschaft Daugava *v.* Henderson.

Scrutton, Greer and Maugham, L.JJ. 12th and 18th June, 1934.

Insurance — Foreign Policy—Re-insurance in England —Fire—Settlement of Claim—Rate of Exchange.

Appeal from a decision of Roche, J.

The plaintiffs, an insurance company carrying on business in Latvia, insured certain buildings in Riga against fire, and re-insured part of their risk in England. A fire having occurred during the currency of the policy in April, 1930, the plaintiffs resisted the consequent claim, but in January, 1932, settled it by payment of an agreed sum. They now claimed to be indemnified under the re-insurance policy. Roche, J., held that the rate of exchange to be applied was that prevailing at the date of the settlement.

Scrutton, L.J., dismissing the appeal, said that it was when the amount payable was fixed between the insurer and the insured and paid that the re-insurer became liable. If the rate of exchange was fixed before the insurer's liability to pay arose, he might recover more than the indemnity.

Greer, L.J., and Maugham, L.J., agreed.

Counsel: *Sir Norman Raeburn*, K.C., and *McNair; Porter*, K.C., and *H. Robertson*.

Solicitors: *William A. Crump & Son; Simmons and Simmons*.

[Reported by Francis H. Cowper, Esq., Barrister-at-Law.]

TABLE OF CASES previously reported in current volume.—Part II.

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Obituary.

Major C. W. Mead.

Major Charles Walter Mead, T.D., barrister-at-law, of Old-square, Lincoln's Inn, died on Sunday, 8th July. He was called to the Bar by the Middle Temple in 1888. Major Mead will be particularly remembered by those members of the legal profession who joined the Inns of Court O.T.C. during the war. He was one of the original members of the "Squadron," and during the war was a popular and efficient second-in-command at Berkhamsted until 1917, when he went to France with the Labour Corps.

MR. W. F. C. JORDAN.

Mr. William Frederick Cartwright Jordan, solicitor, head of the firm of Messrs. W. F. C. Jordan & Co., of Teignmouth, Devon, died on Monday, 9th July, at the age of seventy-six. Mr. Jordan was admitted a solicitor in 1883. He was a member of the Devonshire Association, and was especially interested in Church history.

MR. E. W. ROOKE.

Mr. Ernest Wallace Rooke, retired solicitor, of Bath, died recently at the age of eighty-four. Mr. Rooke was educated at Marlborough College, and was admitted a solicitor in 1872. He was a governor of the Mineral Water Hospital, and a director of the Bath Gas Company.

MR. F. G. SALISBURY.

Mr. Frederick George Salisbury, B.A., solicitor, head of the firm of Messrs. Salisbury, Griffiths and White, of Bristol, died recently at the age of eighty-two. Mr. Salisbury was educated at Queen's College, Taunton, and Trinity College, Dublin, and was admitted a solicitor in 1880. He was a director of Cadena Cafés, Limited.

MR. J. E. THOMAS.

Mr. John Evans Thomas, solicitor, of Machynlleth, died recently at Liverpool at the age of fifty-seven. Mr. Thomas was educated at King's School, Chester, and Aberystwyth, and was admitted a solicitor in 1898. He was a member of the Machynlleth Urban District Council, and he was also honorary solicitor to the Congregational Union of Wales.

Parliamentary News.

Progress of Bills.

House of Lords.

Cardiff Corporation Bill.
Reported, with Amendments. [10th July.
Chailey Rural District Council Bill.
Read Third Time. [11th July.
County Courts Bill.
Read First Time. [10th July.
Dundee Corporation Order Confirmation Bill.
Read Third Time. [5th July.
Finance Bill.
Read Third Time. [5th July.
Glasgow Corporation Order Confirmation Bill.
Read First Time. [10th July.
Land Drainage Provisional Order (No. 1) Bill.
Read First Time. [10th July.
Land Settlement (Scotland) Bill.
Read Third Time. [5th July.
London County Council (Money) Bill.
Read Third Time. [11th July.
London Midland and Scottish Railway Order Confirmation Bill.
Reported. [10th July.
London Passenger Transport Board (Interim Financial Arrangements) Bill.
Read Third Time. [11th July.
Marriages Provisional Orders Bill.
Reported, without Amendment. [11th July.
Mexborough and Swinton Traction (Trolley Vehicles) Provisional Order Bill.
Reported, without Amendment. [11th July.
National Maritime Museum Bill.
Read First Time. [11th July.
Newport Corporation (General Powers) Bill.
Commons Amendments agreed to. [10th July.
Newport Extension Bill.
Commons Amendments agreed to. [10th July.
Nottingham Corporation (Trolley Vehicles) Provisional Order Bill.
Reported, without Amendment. [11th July.
Petroleum (Production) Bill.
Commons Amendments agreed to. [10th July.
Poor Law (Scotland) Bill.
Read First Time. [10th July.
Renfrewshire County Council (Eastwood and Mearns) Water Order Confirmation Bill.
Read Third Time. [5th July.
Road Traffic Bill.
Read Second Time. [10th July.
St. Helens Corporation (Trolley Vehicles) Provisional Order Bill.
Reported, without Amendment. [11th July.
Southend-on-Sea Corporation (Trolley Vehicles) Provisional Order Bill.
Reported, without Amendment. [11th July.
Weston-super-Mare Urban District Council Bill.
Reported, with Amendments. [5th July.

House of Commons.

Colonial Stock Bill.
Read Second Time. [11th July.
Domiciliary Nursing Services Bill.
Read First Time. [10th July.
Dundee Corporation Order Confirmation Bill.
Read Third Time. [10th July.
Glasgow Corporation Order Confirmation Bill.
Read Third Time. [6th July.
Isle of Man (Customs) Bill.
Read First Time. [6th July.
Land Drainage Provisional Order (No. 1) Bill.
Read Third Time. [9th July.
London Midland and Scottish Railway Order Confirmation Bill.
Read Third Time. [9th July.
Ministry of Health Provisional Order Confirmation (Burnham and District Water) Bill.
Read Third Time. [6th July.
Ministry of Health Provisional Order Confirmation (Milford Haven) Bill.
Read Third Time. [6th July.
Ministry of Health Provisional Order Confirmation (South Middlesex and Richmond Joint Hospital District) Bill.
Read Second Time. [6th July.
Ministry of Health Provisional Order Confirmation (Steyning and District Water) Bill.
Read Third Time. [6th July.
National Maritime Museum Bill.
Read Third Time. [10th July.
Newport Extension Bill.
Read Third Time. [9th July.
Newcastle-upon-Tyne Corporation Bill.
Read Second Time. [9th July.
Petroleum (Production) Bill.
Read Third Time. [6th July.
Poor Law (Scotland) Bill.
Read Third Time. [5th July.
Public Works Loans Bill.
Read First Time. [6th July.
Renfrewshire County Council (Eastwood and Mearns) Water Order Confirmation Bill.
Read Third Time. [10th July.
Shops Bill.
Read Third Time. [11th July.
Stockport Corporation Bill.
Lords Amendments Agreed to. [9th July.
Stockport Extension Bill.
Lords Amendments agreed to. [9th July.
Torquay Corporation Bill.
Read Third Time. [11th July.
Tyne Improvement Bill.
Reported, with Amendments. [5th July.

Questions to Ministers.

HOUSING (IMPROVEMENT AREAS).

Mr. LEES-JONES asked the Minister of Health how many applications have been made by local authorities since December, 1931, for confirmation orders in respect of improvement areas under the Housing Act, 1930?

Sir H. YOUNG: Since 1st January, 1932, thirty local authorities have passed resolutions declaring forty-seven areas to be improvement areas under the Housing Act, 1930. No confirming order is required in respect of such declarations. [5th July.

THE GUARANTEE SOCIETY LIMITED.

The Right Hon. The Lord Middleton, M.C., has been appointed to the Board of Directors of the Guarantee Society Limited in place of the late Donald S. Mackay.

The Law Society.

ANNUAL GENERAL MEETING.

Sir REGINALD LANE POOLE, the retiring President, took the chair at the Annual General Meeting of The Law Society held at Bell Yard, on the 6th July.

The President declared that Mr. Harry Rowsell Blaker had been elected president, and Sir Harry Goring Pritchard vice-president, for the coming year.

Mr. BLAKER, in reply, thanked the Society for conferring this honour upon him. It was a difficult task, he said, to follow such excellent presidents as Sir Reginald Poole and his predecessors, and he felt like a tail-end batsman going in to bat. Nevertheless, such a batsman could put up a fight, and he meant to do his best for the Society. In his young days he had frequently kept goal for the Casuals and the Old Westminsters, and his aim had been to keep the goal intact. He now meant to keep intact the goal of The Law Society with the help of Sir Harry Pritchard, his colleagues on the Council, Sir Edmund Cook, and all his staff. He had the goodwill and friendship of many of his fellow members and would do all he could to uphold the dignity of their great profession.

Sir HARRY PRITCHARD, also in reply, said that he hoped the Society would realise that he was really a substitute. He wished that they had had the opportunity of electing to the office of vice-president Mr. C. G. May, who was senior to himself in the profession, on the Council and in years, and who had rendered long and valuable service. He hoped that the Council might continue to have the benefit of Mr. May's great experience, but his friend had arrived at a time of life when he was fully justified in saying that he could not accept additional burdens. The Society, said Sir Harry, had therefore to put up with himself; he would endeavour to do his best, but he expected not to have to do very much, as he was relying on Mr. Blaker to do all the work. He added that the honour which the Society had conferred upon him was greatly enhanced by the fact that he had been nominated by Sir Reginald Poole and Mr. Pinsent.

The President announced that as there were fourteen candidates for thirteen vacancies on the Council, a poll would be taken. Mr. G. E. Lewis, Mr. A. Goodwin, Mr. Whitworth, Mr. Barry O'Brien and Mr. M. C. Batten were appointed scrutineers, to report the result of the poll at an adjourned meeting on Thursday, the 19th July at 2 o'clock.

Mr. J. S. Chappelow, Mr. E. W. Forward, and Mr. Everard S. Bristow were re-elected auditors to the Society.

THE SOCIETY'S ACCOUNTS.

The PRESIDENT, in moving the adoption of the accounts, announced that the chairman of the Finance Committee, Mr. A. C. Morgan, had been very ill and had of necessity been absent from his duties for a considerable time. His place had been filled by Mr. B. H. Drake, to whom the Society was much indebted. Members would rejoice to see Mr. Morgan back; he had been through a serious illness, in which he had shown great courage. To the Society he was invaluable, and the Council knew his worth and his care for the Society's interests.

Mr. B. H. DRAKE, seconding the motion, said that 1933 had been an uneventful year for finance. The Society's account was, for the first time for many years, in credit. This fact might not sound very great, but, although this was an income account, in accordance with the usual practice it had been charged with a sum of £4,800, representing the annual value of the Society's buildings, furniture and similar assets. In spite of this charge there was a credit balance of £870. The articled clerks' account was also satisfactory, showing an increase of income of about £1,388. At the end of 1933 it had seemed clear that, notwithstanding the probable increase in expenditure on education in the near future, yet the rest of the £11,000 which it had borrowed from the Society's account during the war years could be repaid. This had in fact been done, and its only liabilities were now the usual running accounts. During the past year £3,000 of the Society's account had been invested in 3½ per cent. Conversion Stock and a like sum of the articled clerks' account in 3½ per cent. War Stock. Half of a large sum in L.M.S. 4 per cent. Preference Stock on various prize accounts had been re-invested in 3½ per cent. Conversion Stock.

The accounts were adopted unanimously.

THE ANNUAL REPORT.

The PRESIDENT, in moving the adoption of the report, said that he wished to take the opportunity of referring to matters of personal interest to himself which had taken place during his year of office. The membership of the Society now amounted to 10,600. This was a record and was highly satisfactory. The Council had received no dissentient opinions on the rules. They had received a few criticisms, many expressions of approval, and many letters from solicitors who said that the only effect of the Act and the rules would be that they would keep their accounts precisely as they had always kept them. This was, in itself, a satisfactory circumstance. Whatever members might think of the Act and the rules, it was now their duty to abide by them and to show themselves determined to comply with their provisions.

The training of articled clerks, continued Sir Reginald, had occupied the attention of the Council at many meetings and some far-reaching proposals had been made to alter the examination syllabus. The suggestion had been made to abolish Stephen for the intermediate and to institute optional subjects instead of a fixed book. It had also been suggested that optional subjects should be added to the Final Examination. Some of the proposals would require statutory authority and so could not be put into force for some little time. In the Bill which would have to be promoted, the Council were suggesting an alteration in the present rule regarding articled clerks, to the effect that no solicitor should be allowed to take any articled clerk until he had been admitted for five years. A short time ago the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, Mr. Glasgow, of Liverpool, and the President himself had considered the possibility of altering the lump sum rule. A satisfactory and substantial alternative had been effected and circulated; this put solicitors in a far better position.

The House of Lords had passed a Bill promoted by that sturdy exponent of jurisprudence Lord Merrivale, providing that in future nullity suits should be heard in private. Such a representative meeting of solicitors would be familiar with the horror and obscenity which attached to the public hearing of nullity suits. One could only imagine, one could only realise, one could only conceive the horror of it—declared Sir Reginald—when one had contemplated the possibility of his own daughter being involved in such proceedings before a court with its gallery filled by a prurient throng of people who went there to listen to the tortures of the poor girl, and its well crowded with inquisitive, nasty-minded people. This evil was to be stopped, and as soon as the Bill had passed the House of Commons it would no longer be necessary for anyone to be present in the court who had no business there.

Mr. Mortimer and himself, continued the President, had had the honour to be members of a committee appointed by the Lord Chancellor to consider alterations to the law in certain of its aspects. The first question they had considered had been whether the maxim that the personal action died with the person should be maintained in its present form or not. Recommendations had been made by the committee that the maxim should be altered, and a Bill to this effect had been passed by the House of Lords. The committee had also considered whether interest should properly be claimable on certain sums which at present bore no interest; this reform was also on its way to legislation. A third subject of enquiry, which was dealt with in *The Times* of that morning, was contribution amongst tortfeasors. A report had been made to the Lord Chancellor, and whether this would be embodied in legislation remained to be seen. A fourth suggestion, of special interest to married members, restricted the liability of a husband for his wife's torts. Without betraying any professional secrets, Sir Reginald said, he might tell members that they could look forward to the result with cheerful optimism.

The General Council of the Bar had communicated with The Law Society urging the appointment of additional Lords Justices to do the work of the Divisional Courts when they should be abolished. The Law Society had been invited to pass a similar resolution, but the Council had been rather cautious. They had thought that The Law Society's assent would be somewhat premature, and had therefore replied that they thought it advisable to defer their decision until the matter had been more thoroughly considered, and until it was ascertained whether the business of the Divisional Courts increased very much the work of the Court of Appeal.

Finally, the President thanked his Vice-President, Mr. Blaker, for the assistance which he had received from him during his term of office. There had been of necessity, he said, times during the past year when he had been unable to attend to the business of the Council, and Mr. Blaker had ungrudgingly and cheerfully taken his place. To the Council of The Law Society he tendered his thanks for their loyalty and support. Many members did not recognise and a great many would not accept the fact that the Council worked very hard. It was only necessary to be President for a year to know what the work involved, or to be on the Council for a week to know what a member was expected to do. The only wish of the Council was to serve the interests of members. Sir Reginald also cordially thanked Sir Edmund Cook, saying that it was impossible for anyone but the President to know what the Secretary's assistance implied. He was always there, and he knew his job backwards; there was nothing about solicitors which he did not know. To Sir Reginald it was the greatest possible gratification that the King, in granting Sir Edmund

a knighthood, had not only recognised his merit but had paid a great compliment to The Law Society. (Loud applause.) The retiring President thanked many members of the staff by name and the remainder collectively. He thanked all members for their kindness and consideration during a trying year, which had, however, been one in which the distractions of office had been a great consolation. To his successor he wished a fair wind and a pleasant voyage and the favour of the Society of which he was to be the head.

MATRICULATION AT THE LONDON UNIVERSITY.

Mr. E. F. IWI moved the following resolution :—

" That the Council of the Society be requested to approach the authorities of London University with a view to passing a statute declaring that any person who has passed the Solicitors' Final Examination shall be wholly exempt from the London Matriculation Examination, and declaring that the University will register such persons either as external or internal students for the purpose of proceeding to obtain a degree of the London University."

After a few words of compliment to the retiring President, he pointed out that legal education concerned the new President intimately. When a member of the Society who had qualified as a solicitor desired to take a degree at the London University, he had first to sit for matriculation. A large number of persons who desired to continue their studies in a different form were, therefore, debarred from doing so and from taking a degree, unless they started again from where they had left off on leaving school and re-learned subjects which they had long forgotten. The London University existed for the purpose of encouraging education instead of, as it did in this respect, hindering it. The object of matriculation was to be certain that candidates for a degree should have sufficient intelligence to understand the subjects for which they were about to study. A person who had passed the Final Examination should have at least the same amount of intelligence as a person who had taken the London matriculation, and it was a hardship for them to have to take it. Some of the provincial universities had no such regulation. The Law Society exempted from its intermediate examination the holder of a degree in law of the London University—Mr. Iwi pleaded for reciprocity. If it were argued that the privilege could not be given to solicitors unless it were given to other professions, the answer was that each profession should look after itself. He had never heard that the chartered accountants had pressed that the solicitors' stamp duty should be taken off and solicitors placed in the same position as they were.

Mr. A. V. R. ASTBURY seconded the motion on the ground that it would encourage the development of the individual against the law of the mob.

Mr. F. S. SIMONS, opposing the motion, considered that the candidate for a degree should possess other than legal knowledge. He suggested the possibility, if the proposal were carried, that the old clerk who had served in the office for ten years, had become articled and had qualified after another three years, might obtain a degree without knowing who the first King of England had been.

Mr. SIDNEY REDFERN, also in opposition, enquired why the London University should be asked to lower its standards. The Council, he said, encouraged students to take a degree and to attain the highest possible standard of general education and for that reason allowed exemption of one year in articles to a clerk who had attained a certain standard in the London Matriculation. It seemed illogical and undesirable, therefore, to lower that standard.

Mr. DOUGLAS GARRETT emphasised the distinction between a cultural test and a vocational test. Matriculation was, he stated, a severe academic test and in many ways a unique one. The Final Examination was a vocational test, and the Society had always been careful to draw the line between the two types of test. The Society's attitude towards dons was that cultural training was in their province, but that they should not venture beyond it. On the other side it would be perfectly proper for the senate of the London University to say that the Society should not encroach on academic training. The Matriculation Examination was not necessarily a test of intelligence, but the Final Examination was. It also needed intelligence to qualify as a competent plumber. If the Council received the proposed instructions from the meeting it would find great difficulty in making out a case of any substance to place before the University, and would run the risk of being told in the politest and most diplomatic language possible to mind its own business.

Mr. BARRY O'BRIEN suggestion that it would be a hardship to deprive earnest examination-passers of the chance of acquiring another scalp.

Mr. E. B. PITMAN remarked that there was a special entrance examination to the University of London for persons over twenty-three years of age which exempted from matriculation or was taken in its place. It contained only four subjects, and last December two of these subjects had been legal ones. The University had now abolished the legal subjects, so that solicitors obtained no advantage. He considered that they should be given some advantage if they wished to obtain a legal degree.

The motion was negatived by an overwhelming majority.

Members of Council present were Messrs. ReginaldArmstrong, C. E. Barry, LL.D., L. B. Dingwall, E. E. Bird, T. H. Bischoff, P. D. Botterell, G. D. Colclough, G. A. Collins, F. J. F. Curtis, H. T. A. Dashwood, B. H. Drake, D. T. Garrett, W. W. Gibson, R. F. W. Holme, H. R. Blaker, L. S. Holmes, O. J. Humbert, A. M. Ingledew, F. H. Jessop, P. R. Longmore, P. H. Martineau, C. G. May, Lieut.-Colonel S. T. Maynard, Messrs. A. C. Morgan, A. Morrison, W. E. Mortimer, Sir Charles Henry Morton, Messrs. W. R. Mowll, F. A. Padmore, R. A. Pinsent, LL.D., G. S. Pott, Sir Harry Goring Pritchard, Messrs. H. H. Scott, H. N. Smart, F. E. J. Smith, and Colonel W. M. Smith.

INTERMEDIATE EXAMINATION.

The following candidates (whose names are in alphabetical order) were successful at the Intermediate Examination, held on the 20th and 21st June, 1934. A candidate is not obliged to take both parts of the Examination at the same time.

FIRST CLASS.

Robert Penrice Archer, Israel Benenson, Harvey Frederick Beckford Clark, Geoffrey Basil Herbert, Frank Hartley Lawton, James Gilchrist Smith, Herbert Culverhouse Weller.

PASSED.

Ralph Lewis Archer, Ernest Bailey, Joseph William Francis Bartholomew, David Ernest Belham, John Malcolm Boyd, William March Brown, Barrie Douglas Castleman, Bernard Chill, Howard Anthony Close, M.A. Cantab., William Henry Cook, Walter Crute, Hubert Henry Day, Gerveys Roderick Dew, B.A. Oxon, Leslie Firth, Gerald Francis Fox, Arnott Leslie Goodrich, Alan John Arthur Hanhart, William Simpson Nicoll Harrison, Alfred Donald Harvey, Gerard Edmund Hemming, Bertie Albert Hooper, Edward Daniel Jarman, Edward James Jefferies, Philip Asterley Jones, James Alan Jowett, Barnett Linder, Thomas Henry Perceval Lloyd, William Mervyn Lloyd, Leslie William Melville, Charlotte Moyra Milligan, B.A. Cantab., John Collins Nelson, Llewelyn Jarrett Nicholas, Noel James Noble, William John Ivor Owen, Stanley Norwood Page, Edmund Alfred Pearmain, Roland George Raymond, James Douglas Robertson, Harold John Rutherfoord, Sydney Powlett Smith, Joseph Drew Soden-Bird, William Steeple, James Francis Beresford Stevens, George Magnus Alexander Struthers, Roy Taylor, Robert Hodson Thorp, Basil John Ernest Veale, Geoffrey Reginald Woollcombe, Thomas Reynolds Zeal.

The following candidates have passed the legal portion only :—

Evelyn Lilian Adams, Paul Ainsworth, B.A. Oxon, Arthur Robert Alflatt, Douglas Allen, Hilary John Bradley Armstrong, Walter Alan Armstrong, Ernest Aubrey Aspinwall, John Bailey, Reginald Basil Baldwin, B.A. Oxon, Ronald Walter Beasley, George Edwin Beeley, Robert Ernest Benn, Hyman Bergin, Robert Dennis Birch, John Blair, Hedley Thomas Boorne, George Farmer Brady, Harold Ian Bransom, Alfred Brodsky, Henry Makepeace Brooks, Ernest Brown, Lionel Charles Dixon Brown, Robert Lowe Brown, Robert Alger Buckley, Edward Dudley Burgess, Peter Reginald Burton, Nelly Patricia Butterfield, Sidney Ernest Calvert, Reginald James Campbell, Arnold Barrie Carter, Samuel Wesley Chrimes, Jacob Gerald Clarfelt, Kenneth Thomas Claridge, David Garnett Clay, Joseph Francis Coules, Eric Edward Crabtree, Richard Leslie Crowther, John Kenneth Hutt Cunningham, Selby George Darby, B.A. Cantab., Edward Gwyn Davies, James Henry de la Rue, David Ireland Dobell, Russell Arthur Durrant, Edgar Duschinsky, B.A. Oxon, Sidney Charles Elphick, Thomas Charles Justin Evans, Thomas Lister Farrar, B.A. Cantab., Winston Fisher, Joan Elizabeth Montgomery Francis, Denis Edward Frean, David Harry Geller, Robert Gibson-Fleming, B.A. Oxon, Herbert Selwyn Giddings, Harold Hillel Gollop, Peter Goodricke, Neil Murray Gordon, Lucie Marguerite Grant, Frank Harold Green, Philip Hoyle Hallam, Cecil William Hatton, Stephen John Henry, Peter Kenneth Hill, Donald Kenneth Hogg, Michael Herbert Frank Holden, Francis George Holland, Alan Hollings, Geoffrey Brandreth Hooper, Brian Harry Buxton Hopkin, William Crawshaw Horrox, Alfred William Hounsome, Charles Radcliffe Dewhirst Ingham, Herbert Ansdell Jackson, Patrick Baddeley Jakeman, Thomas Sheraton Jewels, Russell Thomas John, David Herbert Jones, John Francis Kelham, George Frederick Kennedy, Jack Lamb, Charles Robert Lee, Israel

David Lewis, B.A. Oxon, George Alfred Lipscombe, Richard Anthony Little, Herbert Mervyn Lloyd, Arthur James Locke, Geoffrey Edward Logsdon, William McCulley, William Angus McSkimming, Frank Mander, Frederic James de Thiballier Mandley, John Newby Mason, B.A. Cantab., Ernest Maxwell Mather, Leonard Charles Merrett, Anthony Metcalf, James Francis Dawson Mills, John Mortimer Moloney, David Laurence Morgan, Edward Alexander Morling, Jack Jefferies Muckle, David Robert Scott Munday, Franz Bernhard Noltingk, B.A. London, Ronald Makant Nuttall, B.A. Cantab., James Tracey Ogden, Daniel Cyril Passmore, Claude Malcolm Payne John Francis Pick, Francis Eric Pilcher, George Langwell Plum, Norman Edward Porter, William Joseph Potts, Charles Henry Priestley, B.A. Oxon, Patrick John Pritchard, Richard Rimington, Percival Francis Rodwell, George Frank Longsdon Royle, Peter Crofton Sanders, Hugh Waghorn Sayers, Cecil Servian, Derek Oakley Siddons, Edward Henry Gordon Simmons, Arthur Lennard Singlehurst, Austin Denham Smith, James Alfred Smith, Laurence Arthur Smith, Lawrence Waterhouse Smith, David Gordon Spear, John Stead, Arthur John Joseph Steel, Reginald John Thomas Stevenson, Geoffrey Nicholas Stone, Dennis Harry Horton Stubbs, Sydney Hillel Swager, Paul Richardson Sylvester, William Edward Tanner, Hubert Ray Taylor, Eric Thorniley, Humphrey Stuart Trembath, Diana Margaret Turner, George Hamilton Turner, Cecil George Vivian, Lawrence Frederick Waller, Norman Arthur Webb, B.Sc. London, Henry Giffard Wells, Eric Cecil Knowles Weston, John Philip Whipp, Ernest Frederic Anselm Farren White, B.A. Oxon, Gilbert Rathbone Whitehead, B.A. Oxon, Bryan James Yorath Williams, Montague Gordon Williams, Thomas Wyndham David Williams, Edward Kenelm Williamson, Thomas Neville Wood, John Geoffrey Woodward, Charles William Patrick Woolcott, Alick Lowndes Wright.

No. of candidates 361. Passed 211.

The following candidates have passed the Trust Accounts and Book-keeping portion only :—

Lawrence Barnett, David Barton, B.A. Cantab., Lister John Frank Alton Batchelor, B.A. Oxon, Claude Anthony Wake Beaumont, B.A. Oxon, Wilfrid Thomas Beswick, Leonard Jack Blow, Anthony Ashworth Briggs, Richard Michael Latham Brown, William Henry Justin Browne, Geoffrey Powell Careless, William Henry Morton Clifford, B.A. Cantab., James Cohen, Basil Thomas Collings, Philip Curtis, B.A. Oxon, Charles Beresford Daft, B.A. Oxon, David Sylvan Davies, Richard Kenneth Denby, James William Denning, Charles Neville Dixon, Roderick Lawrence Doble, B.A. Cantab., Thomas Waterworth Drury, Herbert Aubrey Easton, B.A. Cantab., John Braddock Elliott, LL.B. Manchester, Alan McKenzie Fell, Ronald Fletcher, LL.B. Leeds, John Donald Forbes, Stephen Marriott Fox, Alan Duncan Garrow, B.A. Oxon, Peter Jervis Gordon, Norman Harold Green, George Ernest Cleveland Gregor, B.A. Cantab., James Louis Theodore Guise, B.A. Oxon, Maurice Guthrie, Philip Alexander Hamilton, Cecil Harry Noel Hamilton-Miller, B.A. Cantab., Theodore Hill Harding, Thomas Dewar Hardy, LL.B. Liverpool, John Edward Hatt-Cook, Albert John Henman, Geoffrey Walter Hewett, B.A. Oxon, Wycliffe Percy Hill, Derrick Stuart Holmes, Ralph Mosley Curtois Howard, B.A. Cantab., Leslie Edwin Hutchinson, William Reginald Ingle, Antony Raymond Jabez Jabez-Smith, Gordon Willan Jackson, Alun Gareth James, B.A. Wales, Francis Howard James, John Rolfe Hinton Jeens, Frank Beverley Jewson, Edward Jones, LL.B. Wales, Thomas Mervyn Jones, B.A. Cantab., LL.B. Wales, Ronald Thomas Charles Lahey-Bean, Maurice Blythe Lamacraft, Ronald Arthur George Lambert, Eustace Ronald Lee, B.A. Oxon, Charles Le Grice, Barbara Littlewood, B.Sc. London, Geoffrey Hawthorne Lydall, Arthur Jeffery Lyne, Douglas Stephen Major, Jack Eric Miller, Frank Ben Derwent Moger, Kenneth Ernest Northcote Mould, Alan James Newsome, B.A. Oxon, Stanley John Norton, Jacob Joseph Nussbaum, LL.B. Liverpool, Frederic Archibald Parker, M.A. Cantab., Sidney Francis Patterson, John Payne, Charles Hubert Pinsent, Hugo William Arbouin Repard, B.A. Cantab., Arthur Henry King Robinson, Roland Henry Christopher Rowlands, Herbert Priestley Rushton, Denis Hubert Geoffrey Salt, Sigmund Seifert, LL.B. London, Clifford Shaw, Emrys Simons, LL.B. Wales, Norman Allan Macdonald Sitters, George Ernest Collett Smith, Alfred Roy Southcott, John Farley Spry, B.A. Cantab., James Stables, Thomas Samuel Steel, James Sutcliffe, Richard Gallienne Swainson, B.A. Cantab., Kenneth Robert Swan, Joshua Alan Sykes, Fred Tadman, Frederick Lewis Tait, Philip Towle, Brian Weldon Tubbs, Cecil Robert Costeker Turner, B.A. Cantab., John Francis Webster Unsworth, Robert Lee Waters, B.A. Cantab., Frederick Woollam, Nicholas William Harvey Wyllys.

Number of candidates 327. Passed 155.

Societies.

Inner Temple.

The Treasurer and Masters of the Bench of the Inner Temple entertained at dinner in the Hall last Tuesday the following guests : Lord Tomlin, Mr. Justice Stratford (South Africa), Professor Sir William Holdsworth, K.C., Mr. A. H. MacNeill, K.C. (Canada), Mr. D. Maugham, K.C. (Australia), Mr. J. W. de B. Farris, K.C. (Canada), Mr. A. E. Bull, K.C. (Canada), Mr. M. M. Macfarlane (Canada), Mr. J. A. MacInnes (Canada).

The following Masters of the Bench were present : Lord Darling, Sir John Bankes, Sir Francis Taylor, K.C., Sir William Hansell, K.C., Mr. A. M. Langdon, K.C., Mr. A. W. Bairstow, K.C., the Lord Chief Justice, Mr. Justice Roche, Mr. Alexander Grant, K.C., Sir Leslie Scott, K.C., Mr. Justice Bateson, Mr. F. P. M. Schiller, K.C., the Attorney-General, Mr. R. M. Montgomery, K.C., Lord Wright of Durley, Lord Macmillan (Honorary Master of the Bench), Lord Justice Slesser, Sir Claud Schuster, K.C., Mr. Wilfrid Greene, K.C., Sir Ernest Wingate-Saul, K.C., Judge Konstam, K.C., the President of the Probate, Divorce and Admiralty Division, Mr. P. E. Sandlands, Mr. A. T. Bucknill, K.C., Mr. J. E. Singleton, K.C., Mr. H. G. Robertson, Mr. S. R. C. Bosanquet, K.C., Master Sir George Bonner, Mr. Charles Doughty, K.C., Mr. C. N. Tindale Davis, Mr. Norman Birkett, K.C., Dr. E. Deller (Honorary Master of the Bench), the Solicitor-General, Mr. Harold Murphy, Mr. W. P. Spens, K.C., Mr. C. T. Le Quesne, K.C., and the Sub-Treasurer.

Solicitors' Benevolent Association.

The usual monthly meeting of the directors was held at 60 Carey-street, London, on the 4th inst., Mr. Norman T. Crombie in the chair. The other directors present were : Sir A. Norman Hill, Bart., Sir Edmund R. Cook, C.B.E., and Messrs. Ernest E. Bird, Arthur C. Borlase (Brighton), P. D. Botterell, C.B.E., A. J. Cash (Derby), T. G. Cowan, T. S. Curtis, A. T. Keeling, C. W. Lee, C. G. May, R. C. Nesbitt, H. H. Scott (Gloucester), P. J. Skelton (Manchester), F. L. Steward (Wolverhampton), A. B. Urmston (Maidstone) and T. Gill (secretary). One thousand three hundred and thirty-five pounds was distributed in grants to necessitous cases ; twenty-two new members were admitted and other general business transacted.

Law Association.

The usual monthly meeting of the directors was held at The Law Society's Hall, on Thursday, 5th July, Mr. H. Ross Giles (chairman). The other directors present were Mr. E. B. V. Christian, Mr. Guy H. Cholmeley, Mr. Arthur E. Clarke, Mr. Douglas T. Garrett, Mr. G. D. Hugh-Jones, Mr. Frank S. Pritchard, Mr. J. E. W. Rider, Mr. John Venning, Mr. Wm. Winterbotham and the secretary Mr. Andrew H. Morton. A sum of £134 was voted in relief of deserving applicants, one new member was elected and other general business was transacted.

Gray's Inn Debating Society.

The sixteenth meeting of the year was held in Gray's Inn Hall, at 3 p.m., on Saturday, 7th July, when a party of members of the Society and their friends was shown over Gray's Inn by Master The Right Hon. Sir Plunket Barton, Bart., K.C. Tea was provided for the party afterwards in the Hall by the Masters of the Bench.

Legal Notes and News.

Honours and Appointments.

The King has been pleased to approve the appointment of Rao Bahadur Arogyaswami Thamarselvan Pannir Selvam, barrister-at-law, as a Member of the Executive Council of the Governor of Madras in the place of Khan Bahadur Sir Muhammad Usman, with effect from the date on which Sir George Stanley resumes the Governorship of Madras.

The Lord Chancellor has appointed Mr. Claude William Marshall to be the District Registrar in the District Registry of the High Court of Justice in Ipswich as from the 2nd July, 1934.

The Lord Chancellor has appointed Mr. Richard Arthur Hudson to be the Registrar of Barton-on-Humber County Court as from the 1st July, 1934.

Sir THOMAS FORSTER, K.C., has been elected first paid Chairman of Middlesex Quarter Sessions, subject to the Middlesex County Council's bill receiving Royal Assent. Mr. ST. JOHN GORE MICKLETHWAIT, K.C., has been elected Deputy-Chairman.

Mr. W. WOODWARD, solicitor, Town Clerk of Hartlepool, has been appointed Clerk to Bexley Urban District Council in succession to Mr. T. G. Baynes, who had held the position for thirty-seven years. Mr. Woodward was admitted a solicitor in 1927.

The Council of the Borough of Sutton Coldfield have passed a resolution to make their Town Clerk, Mr. R. A. REAY-NADIN, who has held office for some thirty years, an Honorary Freeman of the borough. Mr. Reay-Nadin was admitted a solicitor in 1899.

LEGAL & GENERAL ASSURANCE SOCIETY, LIMITED.

The Legal and General has opened new Branch Offices at Ilford and Shrewsbury. Mr. H. G. Bussell has been appointed Resident Inspector at Ilford, and Mr. J. E. Colley, who has represented the Society in Wales for many years, has been appointed to the managerhip of the Shrewsbury office.

MIDLAND BANK EXECUTOR AND TRUSTEE COMPANY.

The Midland Bank Executor and Trustee Company Limited, which was formed a quarter of a century ago and is owned and directed by the Midland Bank Limited, announces the opening of a new branch at Leicester, under the management of Mr. W. E. de Faye.

FLATS FOR THE WORKING CLASSES.

The Minister of Health, The Rt. Hon, Sir Hilton Young, M.P., has appointed Sir George W. Humphreys, K.B.E., M.Inst.C.E. (Chairman), Ewart S. Andrews, Esq., B.Sc., M.Inst.C.E., M.I.Struct.E., Henry V. Ashley, Esq., F.R.I.B.A., Oscar Faber, Esq., O.B.E., D.Sc., M.Inst.C.E., M.I.Struct.E., George Topham Forrest, Esq., F.R.I.B.A., Ian B. M. Hamilton, Esq., B.A., A.R.I.B.A., B. L. Hurst, Esq., M.Inst.C.E., M.I.Mech.E., L. H. Keay, Esq., O.B.E., F.R.I.B.A., Francis, Lorne, Esq., F.R.I.B.A., J. A. Macintyre, Esq., O.B.E., B.Sc., M.Inst.C.E., R. Travers Morgan, Esq., M.Eng., M.Inst.C.E., A.M.I.Mech.E., M.I.Struct.E., Stanley C. Ramsey Esq., F.R.I.B.A., A. Scott, Esq., M.B.E., F.R.I.B.A., M.I.Struct.E., W. L. Scott, Esq., M.Inst.C.E., R. E. Stradling, Esq., M.C., D.Sc., Ph.D., M.Inst.C.E., J. Wilson, Esq., F.R.I.B.A., F.R.S.E. to be a committee to enquire into and report upon materials and methods of construction suitable for the building of flats for the working classes with special reference to efficiency and cost.

The Secretary to the Committee is Mr. A. Zaiman, and any communications relating to the work of the Committee should be addressed to him at the Ministry of Health, Whitehall, S.W.1.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

DATE.	EMERGENCY ROTA.	APPEAL COURT No. I.	GROUP I. MR. JUSTICE EVE. Witness. Part II.	MR. JUSTICE BENNETT. Non-Witness.
	Mr.	Mr.	Mr.	Mr.
July 16	Blaker	Andrews	Andrews	Ritchie
„ 17	More	Jones	*More	Andrews
„ 18	Hicks Beach	Ritchie	Ritchie	More
„ 19	Andrews	Blaker	*Andrews	Ritchie
„ 20	Jones	More	More	Andrews
„ 21	Ritchie	Hicks Beach	Ritchie	More

DATE.	GROUP I. MR. JUSTICE CROSSMAN. Witness. Part I.	MR. JUSTICE CLAUSON. Witness. Part I.	GROUP II. MR. JUSTICE LUXMOORE. Non-Witness.	MR. JUSTICE FARWELL. Witness. Part II.
	Mr.	Mr.	Mr.	Mr.
July 16	*More	*Jones	Hicks Beach	*Blaker
„ 17	*Ritchie	*Hicks Beach	Blaker	Jones
„ 18	*Andrews	*Blaker	Jones	*Hicks Beach
„ 19	More	*Jones	Hicks Beach	Blaker
„ 20	*Ritchie	Hicks Beach	Blaker	*Jones
„ 21	Andrews	Blaker	Jones	Hicks Beach

*The Registrar will be in Chambers on these days, and also on the days when the Court is not sitting.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (30th June, 1932) 2%. Next London Stock Exchange Settlement, Thursday, 26th July, 1934.

	Div. Months.	Middle Price 11 July 1934.	Flat Interest Yield. £ s. d.	†Approximate Yield with redemption £ s. d.
ENGLISH GOVERNMENT SECURITIES				
Consols 4% 1957 or after	FA	112½	3 11 3	3 4 9
Consols 2½%	JAJO	80⅝	3 2 1	—
War Loan 3½% 1952 or after	JD	104¼	3 7 2	3 3 9
Funding 4% Loan 1960-90	MN	115¼	3 9 5	3 2 8
Victory 4% Loan Av. life 29 years	MS	113¼	3 10 8	3 5 9
Conversion 5% Loan 1944-64	MN	118½	4 4 7	2 15 8
Conversion 4½% Loan 1940-44	JJ	110¼	4 1 8	2 12 8
Conversion 3½% Loan 1961 or after	AO	104⅞	3 6 9	3 4 7
Conversion 3% Loan 1948-53	MS	101⅜	2 19 0	2 16 10
Conversion 2½% Loan 1944-49	AO	96¾	2 11 9	2 15 5
Local Loans 3% Stock 1912 or after	JAJO	92¾	3 4 8	—
Bank Stock	AO	361½	3 6 5	—
Guaranteed 2¾% Stock (Irish Land Act) 1933 or after	JJ	84	3 5 6	—
Guaranteed 3% Stock (Irish Land Acts) 1939 or after	JJ	91	3 5 11	—
India 4½% 1950-55	MN	112	4 0 4	3 10 2
India 3½% 1931 or after	JAJO	92½	3 15 8	—
India 3% 1948 or after	JAJO	79½	3 15 6	—
Sudan 4½% 1939-73 Av. life 27 years	FA	116xd	3 17 7	3 11 4
Sudan 4% 1974 Red. in part after 1950	MN	110	3 12 9	3 3 10
Tanganyika 4% Guaranteed 1951-71	FA	110xd	3 12 9	3 4 6
Transvaal Government 3% Guaranteed 1923-53 Average life 12 years	MN	102	2 18 10	2 16 0
L.P.T.B.4½% "T.F.A." Stock 1942-72	JJ	109	4 2 7	3 2 7
COLONIAL SECURITIES				
Australia (Commonw'th) 4% 1955-70	JJ	106	3 15 6	3 13 11
*Australia (C'mm'nw'th) 3¾% 1948-53	JD	100	3 15 0	3 15 0
Canada 4% 1953-58	MS	108	3 14 1	3 8 4
Natal 3% 1929-49	JJ	98	3 1 3	3 3 5
*New South Wales 3½% 1930-50	JJ	97½	3 11 10	3 14 2
New Zealand 3% 1945	AO	97	3 1 10	3 6 8
Nigeria 4% 1963	AO	109	3 13 5	3 10 0
Queensland 3½% 1950-70	JJ	98	3 11 5	3 12 0
South Africa 3½% 1953-73	JD	102	3 8 8	3 7 2
Victoria 3½% 1929-49	AO	99	3 10 8	3 11 10
W. Australia 3½% 1935-55	AO	98	3 11 5	3 12 8
CORPORATION STOCKS				
Birmingham 3% 1947 or after	JJ	91	3 5 11	—
Croydon 3% 1940-60	AO	98	3 1 3	3 2 3
Essex County 3½% 1952-72	JD	104	3 7 4	3 4 1
*Hull 3½% 1925-55	FA	100xd	3 10 0	3 10 0
Leeds 3% 1927 or after	JJ	90	3 6 8	—
Liverpool 3½% Redeemable by agreement with holders or by purchase	JAJO	102	3 8 8	—
London County 2½% Consolidated Stock after 1920 at option of Corp.	MJSD	78	3 4 1	—
London County 3% Consolidated Stock after 1920 at option of Corp.	MJSD	91	3 5 11	—
Manchester 3% 1941 or after	FA	90xd	3 6 8	—
Metropolitan Consd. 2½% 1920-49	MJSD	96	2 12 1	2 16 8
Metropolitan Water Board 3% "A" 1963-2003	AO	92	3 5 3	3 5 11
Do. do. 3% "B" 1934-2003	MS	93½	3 4 2	3 4 9
Do. do. 3% "E" 1953-73	JJ	98	3 1 3	3 1 10
Middlesex County Council 4% 1952-72	MN	110	3 12 9	3 5 2
‡ Do. do. 4½% 1950-70	MN	115	3 18 3	3 5 7
Nottingham 3% Irredeemable	MN	90	3 6 8	—
Sheffield Corp. 3½% 1968	JJ	103	3 8 0	3 7 0
ENGLISH RAILWAY DEBENTURE AND PREFERENCE STOCKS				
Gt. Western Rly. 4% Debenture	JJ	106½	3 15 1	—
Gt. Western Rly. 4½% Debenture	JJ	115½	3 17 11	—
Gt. Western Rly. 5% Debenture	JJ	126½	3 19 1	—
Gt. Western Rly. 5% Rent Charge	FA	125½	3 19 8	—
Gt. Western Rly. 5% Cons. Guaranteed	MA	123½	4 1 0	—
Gt. Western Rly. 5% Preference	MA	113½	4 8 1	—
Southern Rly. 4% Debenture	JJ	104½	3 16 7	—
Southern Rly. 4% Red. Deb. 1962-67	JJ	107⅜	3 14 5	3 11 5
Southern Rly. 5% Guaranteed	MA	124½	4 0 4	—
Southern Rly. 5% Preference	MA	113	4 8 6	—

*Not available to Trustees over par. ‡Not available to Trustees over 115.
†In the case of Stocks at a premium, the yield with redemption has been calculated as at the earliest date; in the case of other Stocks, as at the latest date.

Where Help is Needed.

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(UNDER ROYAL PATRONAGE)

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ANNUAL REPORT and full particulars of the work gladly supplied by the Secretary, Mr. J. F. RUSSELL. (Phone: East 5068.)

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amounting to
per £350 ann.
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Floor space about
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PERIODICAL SALE No. 1,218.
REVERSIONS, &c.
At the LONDON AUCTION MART,
155, QUEEN VICTORIA STREET, E.C.4.
on THURSDAY next, 19th JULY, at 2.30.

ABSOLUTE REVERSION, life 61, to £25,000 free of duty.—Solicitors, Messrs. Clabburn, 5, Alexandra-mansions, Prince of Wales-road, Norwich.

ABSOLUTE REVERSION, life 77, to £9,000 free of duty.—Solicitor, Edward H. Stenning, Esq., Lloyds Bank Chambers, Leatherhead.

ABSOLUTE REVERSION, life 78, to about £1,385, also Reversion on decease without issue of male 65 to about £215.

REVERSION on decease of life 78, contingent on survivorship to about £230.—Solicitors, Messrs. Tarry, Sherlock & King, 17, Serjeants' Inn, Fleet-street, E.C.4.

AN Undivided 27/555 share of proceeds of sale of property at Nuneaton of estimated value of £15,000.—Solicitors, Messrs. Geo. J. Dowse & Co., 1, Kingsland High-street, E.8.

LIFE INTEREST of male 64 in about £95 per annum.

ABSOLUTE REVERSION, life 92 to legacy of £100.—Solicitors, Messrs. I. Goldman & Son, 9, Southampton-street, Bloomsbury, W.C.1. Trustee, F. S. Salaman, F.C.A. (Messrs. Elles, Salaman, Hepburn & Macleod), 182, Bucklersbury, E.C.4.

LIFE INTEREST of male 43 in about £30 per annum.

REVERSIONARY LIFE INTEREST in £60 per annum.

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